

OFFICIAL REPORT OF PROCEEDINGS
BEFORE THE
NATIONAL LABOR RELATIONS BOARD

In the Matter of:

Case No. 16-RC-292111

STARBUCKS CORPORATION,

Employer,

and

WORKERS UNITED SOUTHWEST REGIONAL JOINT BOARD,

Petitioner.

Place: Zoom

Date: March 31, 2022

Pages: 1 through 232

Volume: 1 of 1

OFFICIAL REPORTERS

ARS REPORTING

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

(913) 422-5198

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 16**

In the Matter of:

STARBUCKS CORPORATION,

Employer,

Case No. 16-RC-292111

and

WORKERS UNITED SOUTHWEST
REGIONAL JOINT BOARD,

Petitioner.

The above-titled matter came on for hearing pursuant to Notice, before the PAUL SYKES, Hearing Officer, held via Zoom, on Thursday, the 31st day of March, 2022, commencing at 9:13 a.m., Central.

A P P E A R A N C E S

On Behalf of the Employer:

ARRISSA MEYER, Esq.
 AMANDA PLOOF, Esq.
 STEVEN RAHHAL, Esq.
 Littler Mendelson, P.C.
 2001 Ross Avenue, Suite 150
 Dallas, Texas 75201
 Phone: (214) 880-8180 (Meyer)
 (214) 880-8135 (Ploof)
 (214) 880-8108 (Rahhal)
 E-mail: akmeyer@littler.com
 aploof@littler.com
 srahhal@littler.com

On Behalf of the Petitioner:

MANUEL QUINTO-POZOS, Esq.
 MATTHEW BACHOP, Esq.
 Deats, Durst & Owen, P.L.L.C.
 707 West 34th Street, Suite 3
 Austin, Texas 78705
 Phone: (512) 474-6200
 E-mail: mqp@ddollalaw.com
 mbachop@ddollalaw.com

ARS REPORTING LLC

22052 West 66th Street, Suite 314
 Shawnee, Kansas 66226
 Phone: (913) 422-5198

1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							
25							

I N D E X

<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>V/D</u>	<u>COURT</u>
SUSAN NIXON	21				69	
	69	2	96			102
LILLIAN ALLEN	115	141	161			167
			175	175		
CARO GONZALEZ	178	189				195

1	<u>E X H I B I T S</u>		
2			
3	<u>EXHIBITS</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
4			
5	BOARD		
6	1 (a-m)	7	7
7	2	8	8
8	3	11	11
9	4	12	12
10	5	226	226
11			
12	EMPLOYER		
13	1	113	113
14	2	113	113
15	3	113	114
16	4	24	26
17	5	36	36
18	6	49	50
19	7	68	69
20			
21	PETITIONER		
22	1	200	200
23	2	200	200
24	3	201	201
25			

P R O C E E D I N G S

[9:13 a.m.]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HEARING OFFICER PAUL SYKES: Okay?

THE COURT REPORTER: We are on.

HEARING OFFICER SYKES: All right, the hearing will be in order.

This is a formal hearing in the matter of Starbucks Corporation, Case No. 16-RC-292111, before the National Labor Relations Board.

The Hearing Officer appearing for the National Labor Relations Board is Paul Sykes, S-y-k-e-s.

All parties have been informed of the Procedures at Formal Hearings before the Board by service of a Description of Procedures in Certification and Decertification Cases with the Notice of Hearing. I have additional copies of this document for distribution if any party wants more.

I want to state on the record, that for the hearing, that the intention is to offer and receive exhibits in an electronic form, where practical. With respect to each exhibit offered and received in electronic form, there is no request to have the electronic document scanned or otherwise formatted.

Will Counsel please state their appearances for the record?

1 For the Petitioner, Workers United.

2 MR. QUINTO-POZOS: Yes, Manuel Quinto-Pozos and
3 Matt Bachrop.

4 HEARING OFFICER SYKES: Thank you.

5 Okay, and for the Employer?

6 MS. MEYER: Arrissa Meyer and Steve Rahhal.

7 HEARING OFFICER SYKES: Are there any other
8 appearances?

9 MS. MEYER: Oh, I'm sorry. Amanda Ploof, as well.

10 I am so sorry, Amanda.

11 MS. PLOOF: Amanda Ploof for Starbucks Corporation.

12 HEARING OFFICER SYKES: Okay, and then, are there
13 any other appearances?

14 *[No response]*

15 HEARING OFFICER SYKES: Let the record show no
16 response.

17 Are there any other persons, parties, or labor
18 organizations in the hearing room who claim an interest
19 in this proceeding?

20 *[No response]*

21 HEARING OFFICER SYKES: Let the record show no
22 response.

23 Okay, so I would now propose to receive the Formal
24 Papers.

25 They have been marked for identification as Board -

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 - as Board's Exhibit 1(a) through 1(m), inclusive;
2 Exhibit 1(m) being an Index and Description of the
3 entire exhibit.

4 **(Board's Exhibit 1(a) through 1(m), inclusive, marked**
5 **for identification.)**

6 HEARING OFFICER SYKES: The exhibit has already
7 been provided to all parties.

8 Are there any objections to the receipt of these
9 exhibits into the record?

10 MR. QUINTO-POZOS: No objection.

11 HEARING OFFICER SYKES: Okay, hearing no
12 objections, the Formal Papers are received into evidence
13 as Board's Exhibit 1.

14 **(Board's Exhibit 1(a) through 1(m), inclusive, received**
15 **into evidence.)**

16 HEARING OFFICER SYKES: Are there any motions to
17 intervene in these proceedings to be submitted to the
18 Hearing Officer for ruling by the Regional Director, at
19 this time?

20 *[No response]*

21 HEARING OFFICER SYKES: Let the record show no
22 response.

23 Are there any pre-hearing motions that need to be
24 addressed at this point?

25 *[No response]*

1 HEARING OFFICER SYKES: Let the record show no
2 response.

3 HEARING OFFICER SYKES: So the parties to this
4 proceeding have executed a document which is marked as
5 Board's Exhibit 2.

6 **(Board's Exhibit 2, marked for identification.)**

7 HEARING OFFICER SYKES: That exhibit contains a
8 series of stipulations, including, among other things,
9 that the Petitioner is a labor organization within the
10 meaning of the Act, that there is no contract bar, and
11 that the Employer meets the jurisdictional standards of
12 the Board. You know, there are -- there are various other
13 stipulations in this Board exhibit, and, you know.

14 The Reader of the Record can, you know, read this
15 exhibit and see the particular stipulations there. There
16 are too many to read into the record.

17 Let's see...

18 *[Long pause]*

19 HEARING OFFICER SYKES: Okay, that is received.

20 **(Board's Exhibit 2, received into evidence.)**

21 HEARING OFFICER SYKES: Now -- okay, are there any
22 petitions pending in other Regions involving other
23 facilities of the same Employer?

24 MR. RAHHAL: Multiple.

25 MR. QUINTO-POZOS: That's right.

1 HEARING OFFICER SYKES: Okay, and I guess that since
2 we are aware, as the parties are obviously aware, there is
3 a pending case in this same District; is that -- that's
4 correct?

5 MR. QUINTO-POZOS: Yes.

6 MS. MEYER: That is correct.

7 MR. RAHHAL: Correct.

8 HEARING OFFICER SYKES: Okay, and does any party
9 believe that any of these other cases have an impact on
10 the instant case.

11 MR. RAHHAL: The Company would say that all of the
12 cases within this District have an impact on one another,
13 as we argue that only a District-wide unit is appropriate,
14 and therefore, each case necessarily impacts the others,
15 and that is why we thought consolidation of all of the
16 cases was probably appropriate and in everyone's best
17 interest.

18 HEARING OFFICER SYKES: Okay, and Petitioner, what's
19 their position on that?

20 MR. QUINTO-POZOS: The Petitioner's position is that
21 the -- the cases are related insofar that the standard
22 establishing a single-store unit is appropriate, applies
23 to all of those cases, and the presumption cannot be
24 rebutted in any of these cases, so they are related in
25 that regard.

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 That would be the Petitioner's position.

2 HEARING OFFICER SYKES: Okay. Uh-huh. Okay.

3 Okay, so the parties are reminded that prior to the
4 close of hearing, the Hearing Officer will solicit the
5 parties' position on election details including the
6 type, either mail, manual, or partial manual/mail. The
7 best days of the week, times, and locations for
8 conducting an election. Any dates in which an election
9 could not occur, including the reason, where and how to
10 conduct, and kind of ballots, and the eligibility
11 period, but will not permit litigation on those issues.
12 The Hearing Officer will also inquire as to the need for
13 foreign language ballots and Notices, but I believe the
14 parties have already stipulated that that really isn't
15 an issue.

16 So, I would request that you have, at the end of
17 the hearing, have this relevant information ready to
18 present in the form of an on-the-record statement.

19 Also, so the parties have been advised that the
20 hearing will continue from day to day, as necessary,
21 until the hearing is completed, unless the Regional
22 Director concludes that extraordinary circumstances
23 warrant otherwise.

24 The parties are also advised that upon request, any
25 party is entitled to a reasonable period at the close of

1 the hearing for oral argument, which shall be included
2 in the transcript of the hearing. Any party desiring to
3 submit a brief to the Regional Director, shall be
4 entitled to do so within five business days after the
5 close of the hearing. Prior to the close of the
6 hearing, and for good cause, the Hearing Officer may
7 grant an extension of time to file a brief, not to
8 exceed an additional ten business days.

9 *[Long pause]*

10 HEARING OFFICER SYKES: Okay, so, the Employer has
11 completed, and I have marked for identification as
12 Board's Exhibit 3, a Statement of Position in this
13 matter

14 **(Board's Exhibit 3, marked for identification.)**

15 HEARING OFFICER SYKES: Are there any objections to
16 receipt of this exhibit into the record?

17 *[No response]*

18 HEARING OFFICER SYKES: Hearing no objection,
19 Board's Exhibit 3 is received.

20 **(Board's Exhibit 3, received into evidence.)**

21 HEARING OFFICER SYKES: Okay, and just -- I am
22 going to look at the Position Statement quickly.

23 *[Long pause]*

24 HEARING OFFICER SYKES: Okay, yes. So on the
25 Employer's Position Statement their -- their contention

1 is that the single-store bargaining unit for Store 6284
2 is not appropriate, and that the only appropriate unit
3 is a District-wide unit of all thirteen stores in
4 District 0635, and that the selective filing violates
5 Section 9(c)(5) of the Act, and also that the inclusion
6 of the Assistant Store Managers is not appropriate as
7 they are 2(11) supervisors.

8 So I just wanted to clarify -- does this accurately
9 reflect the Employer's position?

10 MS. MEYER: It does.

11 HEARING OFFICER SYKES: Okay. Okay, and then the
12 Petitioner has completed, and I have marked for
13 identification as Board's Exhibit 4, a Responsive
14 Statement of Position in response to the Statement of
15 Position submitted by the Employer.

16 **(Board's Exhibit 4, marked for identification.)**

17 HEARING OFFICER SYKES: Are there any objections to
18 receipt of Exhibit -- of Board's Exhibit 4, into the
19 record?

20 *[No response]*

21 HEARING OFFICER SYKES: Hearing no objections,
22 Board's Exhibit 4 is entered into evidence.

23 **(Board's Exhibit 4, received into evidence.)**

24 HEARING OFFICER SYKES: We will go off the record
25 briefly. I need to e-mail those exhibits.

1 [Off the record]

2 HEARING OFFICER SYKES: Back on the record.

3 In the Responsive Statement of Petitioner, the
4 Petitioner has taken the position that a single-store
5 unit is appropriate under well-established Board law.
6 It has taken the position that the Assistant Store
7 Manager should be included because they do not perform
8 any of the indicia of supervisory status under 2(11) of
9 the Act.

10 Does that accurately reflect the position of the
11 Petitioner?

12 MR. QUINTO-POZOS: Yes, it does.

13 HEARING OFFICER SYKES: Okay. Thank you.

14 Okay, and so the next part of what I have to say is
15 about the eligibility formula, and the question is, does
16 any party contend that anything other than the Board's
17 standard eligibility formula for voting is required,
18 given the history in which the Employer has engaged, and
19 also the Employer?

20 MS. MEYER: Well, we contend that the Davison Paxon
21 Formula should apply since this case involves a retail
22 setting with numerous part-time employees.

23 HEARING OFFICER SYKES: Okay. And Petitioner?

24 MR. QUINTO-POZOS: We don't have a different
25 position from that.

1 HEARING OFFICER SYKES: Okay.

2 [Long pause]

3 HEARING OFFICER SYKES: Okay. Okay, so the
4 Regional Director has directed that the following issues
5 will be litigated in this proceeding. The only issue to
6 be litigated is the scope of the unit, and specifically,
7 whether a single facility unit at Store 6284 located at
8 504 West 24th Street, Austin, Texas, is appropriate, or
9 whether the smallest appropriate unit must include a
10 District-wide unit made up from all thirteen stores in
11 District 0635.

12 The Regional Director has decided that the issue of
13 whether the Assistant Store Managers are 2(11)
14 supervisors, and thus should not be included in any unit
15 found appropriate, will not be litigated in this
16 proceeding, because the issue -- rate of eligibility are
17 concluded an insignificant portion of the unit, and the
18 Regional Director has exercised his discretion to defer
19 this issue.

20 Please be aware that because a single-facility unit
21 is presumptively appropriate, the Employer has the
22 burden of proving the appropriateness of a multi-
23 facility unit, and must present specific detailed
24 evidence in support of your position. General
25 conclusionary statements by witnesses will not be

1 sufficient.

2 So, I can -- so I will allow now, I guess the
3 Employer, if they want, they can give an Opening
4 Statement?

5 MR. RAHHAL: Sure.

6 Am I on?

7 HEARING OFFICER SYKES: Yes.

8 MR. RAHHAL: Okay, thank you.

9 OPENING STATEMENT - Employer

10 MR. RAHHAL: Just real quickly, I think we all know
11 why we are here. There is really no surprise as it has
12 been spelled out numerous times. It is spelled out in
13 our Statement of Position. It is also spelled out in
14 our Response to the Board's Order to show cause. It is
15 also not too dissimilar to the arguments that these very
16 parties make in a hearing earlier this month pertaining
17 to the Union's Petition filed in 16-RC-290302, or as I
18 like to refer to it as San Antonio #1.

19 Simply put, in this case, Workers United now seeks
20 to represent Starbucks Baristas, Shift Supervisors, and
21 Assistant Store Managers, at a single store located at
22 504 West 24th Street, Austin, Texas, also known as Store
23 6284, or the West 24th Store.

24 The Company, on the other hand, believes that the
25 evidence in this case will show that the single-store

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 bargaining unit at Store 6284 is not appropriate, and
2 that the only appropriate unit is a District-wide unit
3 of all thirteen stores in the District.

4 For a quick background, Store 6284 is part of the
5 District 0635. The District is comprised of thirteen
6 stores that are all in the same geographic area around
7 Austin City Center, and the UT Campus. In fact, you can
8 walk from any of the stores in the District to other
9 stores.

10 Store 6284 is managed by Jill Benton. District
11 0635 is managed by District Manager Susan Nixon, and
12 Regional Director Tim Klein.

13 During this hearing, Starbucks is going to present
14 evidence, that because of the level of functional
15 integration in the District, the only appropriate unit
16 is a unit that consists of the Partners from all
17 thirteen stores located in the District.

18 Now, I suspect that during the hearing, the Union
19 is going to introduce testimony of Shift Supervisors and
20 Baristas who are going to claim, among other things,
21 that Store 6284 acts autonomously, but they never or
22 rarely see the District Manager, that they are not aware
23 of the District Manager's involvement in employment and
24 labor-related decisions, such as recruits, hires,
25 transfers, setting wages, setting store hours, setting

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 schedules, evaluations, discipline, or termination.
2 However, quite the opposite is true. You have already
3 been asked to take notice of the minutes from other
4 hearings of decentralized control of operations and
5 labor relations at Starbucks corporate-owned stores.
6 Exercise or evidence of how the Company exercises
7 control over the daily operations and labor relations of
8 its retail stores.

9 During this hearing, Starbucks is going to produce
10 additional evidence from the person who has first-hand
11 knowledge, a District Manager, about the real level of
12 functional integration of the thirteen stores in
13 District 0635, such that the only appropriate unit is
14 one that consists of the Partners from all of the stores
15 in the District.

16 For example, and what the -- regardless of what the
17 Union witnesses may think, the District Manager is going
18 to testify about her involvement in the day-to-day
19 operations of the stores, which significantly limits
20 autonomy over day-to-day operations. The DM is going to
21 testify about her significant interactions and
22 communications with Partners in all of the stores, three
23 things such as District huddles, Partner Planning
24 meetings, Yearly Planning visits, Observe and Coach
25 visits, and other daily connections by phone and text

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 message. The District Manager is also going to testify
2 about her review of the Store Managers' weekly schedules
3 to ensure that they are following Company-recommended
4 staffing. The District Manager is also going to testify
5 about her involvement in safety measures at the stores.
6 She is also going to testify about her involvement in
7 handling Partner and customer complaints. She is also
8 going to testify about her role in Partner recruiting,
9 Partner hiring, Partner transfers, Partner wages,
10 Partner promotions, and Partner terminations.

11 We are also going to present documentary evidence
12 about the high level of Partner interchange across
13 District 0635.

14 The evidence will show the frequency with which
15 other stores in the District regularly work shifts at
16 the petitioned-for store, and how often Partners
17 primarily assigned to the petitioned-for store, work in
18 other stores. In addition, as I think we already know,
19 all of the Partners in the District perform the same job
20 duties, in the same job manner. They have the same job
21 descriptions, wear the same uniforms, have the same pay
22 and benefits, receive the same training, have the same
23 skill and working conditions, follow the same policies
24 and procedures, and also share the same Partner
25 resources support.

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 Think about the operational, labor relations HR and
2 employee morale realities and issues, or I should say,
3 nightmares of having thirteen different stores, many of
4 which are within walking distance from each other, all
5 of which train Partners from different stores side by
6 side, all of which share Partners on a regular basis,
7 who work next to each other side by side, all of which
8 recruit, hire, train, and plan operations together.
9 Think about those thirteen stores potentially operating
10 under two, three, or even thirteen different sets of
11 terms and conditions of employment. It is absurd; it
12 doesn't make sense. It doesn't work the way Starbucks
13 runs its District, and just as importantly, it is
14 inconsistent with Board law.

15 For these and other reasons, as will be discussed
16 throughout this hearing, the only appropriate unit in
17 this matter is one that consists of all thirteen stores
18 in District 0635.

19 HEARING OFFICER SYKES: Okay, does the Petitioner
20 want to give a statement, as well?

21 MR. QUINTO-POZOS: Yes.

22 OPENING STATEMENT - Petitioner

23 MR. QUINTO-POZOS: I will just be very brief.

24 There is a clear presumption under Board law that a
25 single-store -- a single-store unit is an appropriate

1 unit. Under that same law, the Employer has a very
2 heavy burden to overcome that presumption, and that
3 burden has not been overcome in the many cases that the
4 Regions have decided in the Starbucks cases throughout
5 the country, and in cases that have been reviewed by the
6 National Labor Relations Board.

7 The Union believes that the evidence in this
8 hearing will compel the same result. The Board and the
9 Regional Directors have considered the very same type of
10 evidence that the Employer has cited in its opening, and
11 the very same type of evidence that the Employer is
12 likely to put on during this hearing, and so the results
13 should be the same.

14 The circumstances -- specifically, with regard to
15 the store in this case, and the District in which this
16 store is located, it is worth noting that the
17 circumstances of this particular store are widely
18 different from the circumstances in other stores within
19 the same District, and the Union believes that the
20 evidence will show that.

21 For those reasons, the Union's position is that the
22 election should be ordered for this store as an
23 appropriate unit.

24 HEARING OFFICER SYKES: Thank you.

25 Okay, so to allow the Employer to present their

1 first witness, is that going to be Ms. Nixon?

2 MS. MEYER: It will be.

3 HEARING OFFICER SYKES: Okay, and just -- just to
4 introduce myself, I am Paul Sykes, the Hearing Officer.

5 When you testify, just make sure to give a verbal
6 response so that the record can pick up what your answer
7 is. If you don't understand a question, or if somebody
8 objects to a question, just wait to answer until I can
9 rule on the objection.

10 Okay, so I can now swear you in.

11 (Whereupon,

12 **SUSAN NIXON**

13 having been sworn/affirmed, was called as a witness
14 herein, and was examined and testified via video-
15 conference, as follows:)

16 HEARING OFFICER SYKES: Thank you.

17 Okay, you can continue.

18 MS. MEYER: Thank you.

19 DIRECT EXAMINATION

20 Q. BY MS. MEYER: Good morning, Susan.

21 Thanks for joining us.

22 A. Good morning.

23 Q. State your full name for the record.

24 A. Susan Smith-Nixon.

25 Q. And who is your employer?

- 1 A. Starbucks Coffee.
- 2 Q. How long have you been with Starbucks?
- 3 A. 23 years.
- 4 Q. And what is your current job title?
- 5 A. District Manager.
- 6 Q. And specifically, what District are you the
- 7 District Manager for?
- 8 A. District 635.
- 9 Q. Okay. And how long have you been a District
- 10 Manager for District 635?
- 11 A. Two, two and a half years, three years.
- 12 Q. When did you become the District Manager?
- 13 A. September 2019.
- 14 Q. Okay, and prior to managing District 635, have you
- 15 managed any other Starbucks Districts?
- 16 A. Yes.
- 17 Q. Approximately how many?
- 18 A. About eight.
- 19 Q. Okay. And have you held any other positions with
- 20 Starbucks, other than District Manager?
- 21 A. Yes.
- 22 Q. What positions?
- 23 A. Store Manager.
- 24 Q. And in your District Manager position for District
- 25 635, who do you report to?

- 1 A. Tim Klein.
- 2 Q. And what is his position?
- 3 A. Regional Director.
- 4 Q. And then, in turn, who reports to you as the
- 5 District Manager?
- 6 A. Store Managers and Assistant Store Managers of
- 7 District 635, direct reports.
- 8 Q. And can you give us a brief overview of your job
- 9 responsibilities as a District Manager?
- 10 A. Yes. I manage thirteen stores in a business
- 11 portfolio, where I support within the analysis, problem-
- 12 solving, and coaching for performance, feedback, and
- 13 prioritizing the work.
- 14 Q. What Starbucks Region is District 635 part of?
- 15 A. Region 6.
- 16 Q. Does it have a name?
- 17 A. South Central.
- 18 Q. And then, what area does District 635 fall within
- 19 for Starbucks?
- 20 A. El Paso.
- 21 Q. And is -- is there a number assigned to that area?
- 22 A. 122.
- 23 Q. And who is the Vice-President of Regional
- 24 Operations that covers your District?
- 25 A. Traci York.

1 Q. And do you have a Partner Resources Manager that
2 covers District 635?

3 A. Yes.

4 Q. Who is that?

5 A. Magnolia Lopez.

6 Q. And just for clarification, what is Partner
7 Resources?

8 A. That is our support team who helps with any HR
9 issues or human resources issues; coordinates
10 communication with Partners and Managers.

11 Q. Got it.

12 And I believe you said that there are thirteen
13 stores in District 635; is that correct?

14 A. Yes.

15 Q. All right, and what geographic area does your
16 District cover?

17 A. Primarily Downtown Austin, so from 45th Avenue down
18 to south of the River. So pretty much the Austin Metro
19 City.

20 Q. And Susan, I am going to pull -- I am going to
21 share my screen, so let me know when you can -- when you
22 can see it.

23 A. Yes. That is correct.

24 Q. Okay.

25 **(Employer's Exhibit 4, marked for identification.)**

1 Q. BY MS. MEYER: So, I am sharing a map. Can you
2 tell me, does this accurately reflect the thirteen
3 stores within District 635?

4 A. Yes.

5 Q. And how -- how far apart are the -- the furthest
6 stores in your District?

7 A. Four miles point to point.

8 Q. Okay.

9 MS. MEYER: At this time, the Company would like to
10 enter Company Exhibit 1 into evidence.

11 MR. QUINTO-POZOS: No objection.

12 HEARING OFFICER SYKES: Hearing no objections,
13 Employer Exhibit -- what number is it?

14 MS. MEYER: It will be -- oh, I guess it won't be
15 No. 1, because we have already entered some exhibits.

16 I can't remember we are on -- at after the
17 stipulations.

18 HEARING OFFICER SYKES: I think 4.

19 MS. MEYER: I think that is right, as well.

20 MR. RAHHAL: That is right, Employer's Exhibit 4.

21 HEARING OFFICER SYKES: Okay.

22 And, Sandra [Court Reporter], just so you know,
23 this kind of confused me the first name, in Board's
24 Exhibit 2, there's been stipulations to certain
25 exhibits, that won't be entered until later on during

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 the hearing, so that is why it starts with Exhibit 4.

2 THE COURT REPORTER: No problem.

3 HEARING OFFICER SYKES: Okay, thank you.

4 So, yes, Employer's Exhibit 4 is entered into
5 evidence.

6 **(Employer's Exhibit 4, received into evidence.)**

7 MS. MEYER: Thank you.

8 Q. BY MS. MEYER: And Susan, can you please tell us
9 about the different store types that you have in
10 District 635?

11 A. Sure. I have driveway/drive-throughs, I have seven
12 cafés, and one pick-up store.

13 Q. Okay. Could you tell us about -- what is a pick-up
14 store? That one is new to me.

15 A. Sure. A pick-up store is a mobile order and pay
16 store where there is no seating. It is simply order
17 through a mobile app, and you pick up your items at the
18 front counter.

19 Q. And then what is the difference between a drive-
20 through and a café store?

21 A. A drive-through has that channel where you can
22 drive via car to pick up your food, whereas a café does
23 not have that option.

24 Q. Okay. And then, looking at District 635, have you
25 had any store openings within the last two years?

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 A. The pick-up store was opened in the end of
2 September of 2021.

3 Q. And then, have you had any closures within the last
4 few years in your District?

5 A. Yes. I had a store at 10th and Congress that
6 closed at the end of 2020.

7 Q. And have you had any realignments of District 635
8 in the last two years?

9 A. Yes, I -- well, I received two stores to my
10 District a year ago. They were added to my portfolio.

11 Q. And were any stores removed as a result of those
12 changes?

13 A. No.

14 Q. Okay, so just two -- two stores that were added?

15 A. Correct.

16 Q. Okay, and then all of the Partners in the -- in
17 District 635, are they in -- do they fall within the
18 classifications of Barista, Shift Supervisor, Assistant
19 Store Manager, and Store Manager?

20 A. Correct.

21 Q. There are no Partners that fall into other
22 categories?

23 A. Correct.

24 Q. Okay. And does every store in District 635
25 currently have a Store Manager?

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

- 1 A. Yes.
- 2 Q. Okay. Are there any dual-managed stores?
- 3 A. No.
- 4 Q. And then, do you have any Assistant Store Managers
- 5 in District 635?
- 6 A. Yes.
- 7 Q. How many?
- 8 A. Five.
- 9 Q. And are they each at a different store, or do you
- 10 have more than one at some stores?
- 11 A. They are all in different stores.
- 12 Q. And now, I will turn specifically to Store 6284.
- 13 Do you understand that to be the petitioned-for store?
- 14 A. Yes.
- 15 Q. And who is the Store Manager at Store 6284?
- 16 A. Jill Benton.
- 17 Q. Okay, and how long has she been the Store Manager
- 18 there?
- 19 A. A year.
- 20 Q. And do you have any Assistant Store Managers at
- 21 that store?
- 22 A. No.
- 23 Q. Can you describe Store 6284, what type of store it
- 24 is, and -- and its layout?
- 25 A. Sure. It is a café location close to the UT

1 campus. It's not on campus, but it's in what we call
2 West Campus, within the private housing of the UT
3 community.

4 It also has mobile order and pay channel, as well
5 as Uber Eats, which is common for all of the cafés.

6 Q. Okay. Let me ask you, how often do you visit the
7 petitioned-for store?

8 A. Most likely, every week. I do a stop-in or a
9 check-in. I have scheduled visits with the Store
10 Manager through what we call Period Planning Visits.

11 Q. And is that -- is that also true for the other
12 stores within your District?

13 A. Yes.

14 Q. Okay. And so, what is the general purpose of your
15 store visits?

16 A. It can be from business analysis with the Store
17 Manager. It could be to connect with a potential
18 promotion from Barista to shift. It could be to connect
19 on a Shift Supervisor meeting. It could be to consult
20 on any type of corrective action. Also, we could do job
21 fairs.

22 There is all varying degrees of why I would be
23 visiting that location.

24 I could be bringing product, as well.

25 Q. And you mentioned, you know, you do some check-ins

1 and then you also have certain scheduled visits.

2 A. Right.

3 Q. Can you tell me what type of scheduled visits you
4 make to stores?

5 A. Absolutely. We do a Period Planning Visit which is
6 the Store Manager and the District Manager connect and
7 we also then have what we call an Observing Connect,
8 which is an observation of the -- of the store, and then
9 we do Quick Connects which could be at varying time
10 during the Period Planning Period. Those are scheduled
11 visits that we have what we call our Partner Planning
12 Cycle, or Period Planning Visits, excuse me.

13 Q. Okay. And what are the -- what is the purpose of
14 the Period Planning visits. What types of discussions
15 do you have?

16 A. Sure. In -- we -- we review the Period Planning
17 Guide which is our promotional visits that Starbucks
18 prepares. They are generally called Summer-1, Summer-2,
19 Winter, Holiday, Fall. They are various periods of time
20 when there are operational updates, and/or new products,
21 or various updates for -- for how we do our work, and
22 that doesn't -- if I may -- we have six of those a year,
23 and within that Period Planning Period, we have our
24 Period Planning Visit, or Servicing Connects, our Quick
25 Check-In's, and additional visits with the store.

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 Q. I think you also mentioned that you have some
2 visits where you do like development conversations?

3 A. Correct, yes.

4 Q. Can you tell me more about that?

5 A. Sure. Across the District, we have potential --
6 when we work together to do Partner Planning or we call
7 ourselves Partners. We identify -- the Managers, and as
8 well, in Partnership with the Shift Supervisor team,
9 there may be Shift Supervisors that are interested in
10 developing for next level, and I have -- as a team, we
11 have identified those potential next level managers, and
12 it is scheduled, bi-weekly connects with those
13 potentials to review their Personal Development Plans,
14 and it is a collaborative effort with the Store
15 Managers, and the Partners that have had aspirations and
16 brought it forward, as well as the District Manager to
17 support in that conversation.

18 Q. And do you have any District-wide meetings that
19 involve Partners from stores across your District?

20 A. Yes, I do.

21 So, every quarter, we have a third place, which is,
22 third place are in Austin, so there is quite a bit of
23 unusual circumstances that can be unsafe or how we --
24 where we have to learn how to de-escalate. So, across
25 the District every quarter, we have a -- a District-wide

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 meeting with our Asset Protection Manager to review how
2 to de-escalate, how to write an Incident Report, how do
3 we understand the steps to making sure our space is
4 safe, and that includes all Shift Supervisors in the
5 District, and that is on a quarterly basis.

6 I also hold roundtables for -- for Baristas and
7 shifts every quarter. We hold roundtables, and that is
8 just a time for the shifts, for the Baristas to share
9 how -- what is working, what is not working, what are
10 their needs, how can I best support them.

11 And, then, we also have development time with Shift
12 Supervisors every other week. Shift Supervisors are
13 connecting on a District-wide basis to develop as a team
14 across the Districts, since we do share Shift
15 Supervisors and Partners, we want to be consistent
16 across the District, and those are some of the few times
17 when we come together as a team, and...

18 I think I captured all of them, or close to all of
19 them.

20 Q. Thank you.

21 Do you have any meetings with your Store Managers
22 across the District?

23 A. Yes, I do. I have meetings every -- two times a
24 week, on Mondays and Fridays. We do one hour on Monday
25 and one hour on Fridays, and then we also have a

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 District PPG meeting every -- with every cycle of our
2 Partner Planning period.

3 Q. And what is a PPG meeting?

4 A. It is to review the -- the Partner -- the Period
5 Planning Guide, which I mentioned before, which is like
6 Summer, Winter, Fall, basically the retail cycle of how
7 we promote in our stores.

8 Q. Got it.

9 And so, when you are not physically in a store or
10 in one of these meetings, how do you remain in contact
11 with your stores and your leadership?

12 A. The --- via e-mail, Work Chat, and phone.

13 Q. And what is Work Chat?

14 A. Work Chat is an internal communication tool that we
15 use to connect. It is kind of like text messaging, but
16 it is a way to communicate with the entire team.

17 Q. And who has access to Work Chat?

18 A. All of the Managers.

19 Q. And does that include Assistant Store Managers, as
20 well?

21 A. Yes.

22 Q. Okay. So Assistant Store Managers and Store
23 Managers?

24 A. Correct.

25 Q. And do you receive any technology from Starbucks as

1 part of your job?

2 A. Yes.

3 Q. What do you have?

4 A. A phone, a laptop, and a -- an iPad.

5 Q. And what Starbucks resources or tools can you
6 access through those?

7 A. Our Partner Hub and Decision Center within the
8 Partner Hub.

9 Q. What kind of information is in Decision Center?

10 A. All of our business analysis tools, and any
11 performance, turnover, customer connection; all of the
12 things that are priorities within our business to know
13 how we are doing as a business.

14 Q. Can you see that information for all of the stores
15 in your District?

16 A. Yes.

17 Q. And how often would you say that you speak with the
18 Store Managers in your District?

19 A. Every day.

20 Q. And do you have any direct contact with Partners
21 like Baristas and Shift Supervisors in the stores within
22 your District?

23 A. Yes. Yes, I do.

24 Q. And how -- how are they able to reach you?

25 A. They can call me by phone or text, or connect with

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 me in the stores.

2 Q. And how do you -- how do you share your contact
3 information with them?

4 A. My business card is available in every single
5 store, as well as my phone number is posted on various
6 communication tools that are available to customers and
7 Partners, so I text to respond, or text for feedback, as
8 well as text for hire. And then, in addition, I am in
9 the practice of handing out my business card to every
10 single Partner in the District.

11 Q. I am going to share my screen again, Susan.
12 Can you see that?

13 A. Yes.

14 Q. Okay, and so, Susan, tell us what this document is,
15 please.

16 A. This is a -- kind of basically a -- an open time
17 for Partners to reach out. It is like office hours
18 where at this point in time, they can call me and I will
19 be available to answer any of their questions.

20 So, on Wednesdays, everyone knows that from 4:30 to
21 5:00, they are able to come to this link and ask me
22 anything.

23 Q. Okay, thank you.

24 MS. MEYER: At this time, the Company would like to
25 enter Company Exhibit 5 into evidence.

1 **(Employer's Exhibit 5, marked for identification.)**

2 MR. QUINTO-POZOS: No objection.

3 HEARING OFFICER SYKES: Hearing no objection,
4 Employer's Exhibit 5 is entered into evidence.

5 **(Employer's Exhibit 5, received into evidence.)**

6 Q. BY MS. MEYER: And Susan, can you give us any
7 examples of things that, you know, Baristas or Shift
8 Supervisors have reached out to you regarding?

9 A. Sure. Development conversations, Shift Supervisors
10 or Baristas will each out to say, "Hey, I am interested
11 in the next level. Can you support me with that?" They
12 will also reach out to me if there is an incident in the
13 store that they are challenged with working through,
14 which an incident means like there is a disruptive
15 customer.

16 They will also reach out to -- if they need to
17 provide feedback on their Manager, and they want to
18 facilitate a conversation, so we can all communicate and
19 get on the same page.

20 They will also reach out for product when they need
21 product, and they are looking for cups or or coffee, or
22 something, so that they can make sure that they operate,
23 continue to operate for their customers.

24 Q. And one of those things that you mentioned was that
25 sometimes Partners will reach out to provide feedback to

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 you regarding their -- their Managers. Have you ever --
2 have you facilitated any conversations in the
3 petitioned-for store along those lines?

4 A. Yes. We -- when Jill came in, or in that instance,
5 we did what we call the Store Assimilation, where - and
6 this was specifically with the Shift Supervisor team,
7 where we talk through what they expected from their
8 manager, what they would want to continue, and what they
9 want to stop.

10 So we typically do that in all of our stores when
11 we introduce a new leader to a team, and that was done a
12 year ago when Jill arrived to the store. And, we also
13 have facilitated other -- that a regular practice in the
14 District.

15 Q. And how do -- how can Store Managers, for stores
16 within your District, communicate with other Store
17 Managers in the District?

18 A. They can message us through Work Chat, phone, and
19 e-mail.

20 *[Long pause]*

21 Q. Susan, you were telling us that in your District,
22 there is at least one new store that opened, the pick-up
23 store, correct?

24 A. Correct.

25 Q. And who is involved in the decisions to open a new

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 store?

2 A. That would be our Store Development Team, and Tim
3 Klein and Traci York.

4 Q. Does the Store Manager for the new store have, or
5 is it a Store Manager that makes that decision, or are
6 they involved at all?

7 A. No.

8 Q. Okay, and you also mentioned that there were two
9 new stores that had been added to your District. Whose
10 decision is that?

11 A. That would be Tim Klein, the Regional Director, and
12 Traci York, the Regional Vice-President.

13 Q. And does the Store Manager have any involvement in
14 the decision to add their store to a new District, or to
15 a different District?

16 A. No. No.

17 Q. Okay, and what about the decision to close that one
18 store in your District? Who is involved in that?

19 A. That would be a -- that is a decision by Regional
20 Director, Tim Klein, and Regional Vice-President, Traci
21 York.

22 Q. Is the Store Manager involved in that decision?

23 A. No.

24 Q. And who makes the decisions to upgrade facilities
25 in the stores in District 635? For example, like

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 getting a new espresso machine or a new oven, or
2 something like that.

3 A. That would be through our Facilities Manager,
4 depending on the life of the machine. If it is broken,
5 then we would partly -- depending on the cost, and as
6 well, if we are doing any type of overhaul or major
7 change or renovation, it would be our Regional Director,
8 Tim Klein, and Traci York, our VP.

9 Q. And does the Store Manager play any role in that
10 type of decision?

11 A. No.

12 Q. Does each store have its own budget for facilities
13 upgrades, or how does the budget work?

14 A. It -- it -- it is usually through an area or
15 region, there is a budget for facilities for the entire
16 area or Region.

17 Q. And what is the process for handling facilities or
18 maintenance issues that come up in your District?

19 A. The Shift Supervisor will create a ticket on the
20 iPad to create that work order, and that ticket goes to
21 the Facilities Manager who will dispatch repair or
22 service for that broken or needing to be fixed item.

23 Q. And so if -- if the repair or the facilities issue
24 requires hiring a service provider like a plumber or a
25 repairman, who is responsible for that task?

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 A. The Facilities Manager.

2 Q. All right, so, does the Store Manager play any role
3 in that?

4 A. No.

5 Q. And then, how -- do you have a particular
6 Facilities Service Manager assigned to your District?

7 A. Yes.

8 Q. So all of the stores within the District would use
9 the same person?

10 A. Correct.

11 Q. With respect for the petitioned-for stores or the
12 petitioned-for store, have there been any modifications
13 made to it with --

14 A. With the --

15 Q. Yeah, as a result of, you know, its particular
16 situation or circumstances?

17 A. Can you clarify that?

18 Q. Yeah, sure.

19 Have you made any changes to the store to respond
20 to safety issues?

21 A. Yes. We have put locks on the bathrooms, and made
22 sure that there are key-coded locks, that -- and my
23 entire District has locks on their bathrooms to
24 facilitate a little more monitoring of the bathroom and
25 who enters, since we have had a lot of instances with

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 bathrooms and across the District.

2 In addition, we have, at times, modified stores
3 operational hours for safety. For this location, we --
4 we remain open until 9:00 o'clock right now because of
5 the student population, but in terms of the facilities
6 piece, it is the bathroom locks, and I -- I believe one
7 door that is by the bathrooms is a one-way door. So it
8 helps to keep it safer for the Partners.

9 Q. And were you involved in the process of getting
10 locks added to the doors in your District?

11 A. Yes.

12 Q. Could the Store Managers do that on their own?

13 A. No.

14 Q. Okay. Shifting gears a little bit to the products
15 that you use in your stores...

16 Are those products and supplies the same across the
17 District?

18 A. Yes.

19 Q. And where do they come from?

20 A. From our Distribution Centers.

21 Q. Do all of the District -- do all of the stores in
22 your District use the same Distribution Centers?

23 A. Yes.

24 Q. And how do your stores supplies and products in
25 your District?

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 A. Through the Inventory Management System.

2 Q. And how does that work?

3 A. They would place an order to their -- through our
4 systems in the computer on the product they need,
5 depending on the PARS at the store, the time of the
6 season, and that would -- that order goes to our
7 Distribution Center in either Dallas or San Antonio, and
8 it will arrive usually -- we have dailies, and what we
9 also call the Roasting Plant, for our weekly orders.

10 Q. And you referred to something called PARS. Can you
11 tell us what PARS are?

12 A. Yes. PARS are basically determining what you would
13 use in a day, and -- and calculating how much you need
14 per day, so that you have enough before the next order
15 arrives.

16 So, it is a -- it is based on the business, and the
17 order can shift dramatically from very quiet during --
18 our whole District experiences this. During holidays we
19 are quiet, and we are very busy during the regular
20 school season, and as well, during the summer, we are
21 quieter than most of them. So it is all seasonal
22 trends.

23 Q. And how are PARS set?

24 A. They are set by the Manager. They review how much
25 is selling and what is moving in and out of the store.

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 Q. And do they have any tools that are used as part of
2 PARS?

3 A. Yes, they have a PAR building tool in their system,
4 one of the controls they can use to determine.

5 Q. And who has the authority or ability to place
6 orders in -- in the Inventory Management System?

7 A. Shift Supervisors and Store Managers.

8 Q. And then, with respect to food, what is the -- what
9 is the ordering process for that.

10 A. It is the -- well, food is actually automated
11 ordering, so based on our past sales, we are using our
12 automated ordering system for food.

13 Q. So is that where the orders are calculated by the
14 system?

15 A. Correct.

16 Q. And what happens if a store in your District runs
17 out of supplies or food?

18 A. We contact our Logistics Services Team to see where
19 the product may be, if it was missed or if there is some
20 sort of supply chain issue, which is frequent across
21 every company, but we also will move product around from
22 stores, so that we can all share our products.

23 So, in the moment, we will ask for product from the
24 neighboring store. We will reach out to other Managers,
25 and even myself, to try and get it transported to the

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 stores, so that they can continue to serve their
2 customers and the Partners have a good experience, as
3 fast as we can.

4 Q. And so, how would a Store Manager go about getting
5 more supplies?

6 A. They can put in a message to Work Chat to the
7 entire team. They can call other stores to see what
8 they have available to transport and supply.

9 Q. And if the -- is this a common occurrence? How
10 often would you say that it happens?

11 A. Every day.

12 Q. And are there any other occasions when stores in
13 your District would share or move around products?

14 A. Any other occasions?

15 Q. Yeah. Like aside from just one store runs out.
16 Are there any other times you adjust inventory?

17 A. When we have big events.

18 So, if -- we just had South by Southwest. So,
19 clearly, we had a lot of people in town, as well as
20 different events that happening in Austin, and we will
21 adjust to increase our order or move product around to
22 supply the stores that need -- that may be busier, since
23 Downtown, like at 6th and Congress, was very busy, so we
24 brought product to that store. In fact, we brought
25 product from 6284 to the other two stores during South

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 by Southwest.

2 Q. And if inventory and product -- does each store in
3 your District sell the same items?

4 A. Yes.

5 Q. Do they have the same menu?

6 A. Yes.

7 Q. And how do stores determine the placement of
8 inventory and merchandise?

9 A. We have schematics, like Siren's Eye. So, for
10 example, is the pastry case and every store is set up
11 according to the Siren's Eye, which helps to create
12 consistency and look to the customer, as well as it
13 makes it easier for the Partners to set up the pastry
14 case every day.

15 We also have Siren's Eye for like the retail wall,
16 but we do have a very big sale of certain items here in
17 Austin, because it is tourist-focused. But we do have
18 schematics, yes.

19 Q. And so, does every store in your District get the
20 same Siren's Eye?

21 A. Yes.

22 Q. Okay, and are Store Managers permitted to
23 unilaterally deviate from the Siren's Eye?

24 A. They can after they connect with me, and we talk
25 through the reasons, the business reasons behind why

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 they are changing the look of the Siren's Eye.

2 Q. So they have to get your approval first; is that
3 correct?

4 A. Correct. And that is more specifically, and if I
5 could give an example.

6 Q. Sure.

7 A. For the retail wall here in Austin, we sell a ton
8 of what we call city mugs or "You are here" mugs, and we
9 -- we keep a big supply of that, so that is not in
10 Siren's Eye, so we actually can maximize our business
11 sales. We may have three or four shelves of that versus
12 one or one or two at the point of sales. So that is a
13 deviation from Siren's Eye, but it will increase our
14 business dramatically and it is in our business case for
15 changing the Siren's Eye.

16 Q. And with respect to pricing, are the prices of
17 items the same across your District?

18 A. Yes.

19 Q. And where -- who makes the pricing decisions?

20 A. Starbucks.

21 Q. And are Store Managers able to change prices or run
22 specials?

23 A. Yes.

24 *[Long pause]*

25 Q. Okay, now I am going to shift topics a little bit

1 to hiring season.

2 Can you tell me, have you had any job fairs in
3 District 635?

4 A. Yes, we have.

5 Q. And what is the purpose of those job fairs?

6 A. To staff our District.

7 Q. And so, who participates in those job fairs?

8 A. Managers and Assistant Store Managers; myself and
9 developing Shift Supervisors.

10 Q. And approximately, you know, let's say within the
11 last year, how often are you having these job fairs?

12 A. We had the -- probably in the summer, we had every
13 other week, and as we got staffed, we didn't have as
14 many job fairs, although each manager does support and
15 collaborate with each other to interview through our
16 hiring system.

17 Q. And has the petitioned-for store participated in
18 these job fairs?

19 A. Yes. We actually held them at that store during
20 the summer.

21 MS. MEYER: Okay, I am going to share my screen
22 again.

23 Q. BY MS. MEYER: Susan, can you see this document?

24 A. Yes. It's --

25 Q. Oh, yeah, I will scroll through the whole thing for

1 you.

2 A. Yes.

3 *[Scrolling through document]*

4 A. Yes. Uh-huh.

5 Q. Okay. And can you tell me what this -- do you
6 recognize what this document is?

7 A. Yes. It is like our plan to staff our entire
8 District through collaborative efforts, and talking
9 about our various methods to get our -- to get Partners
10 for the District.

11 Q. Okay, and I will look at this bottom e-mail first.
12 Is this an e-mail that you sent?

13 A. Yes.

14 Q. Dated March 31st, 2021?

15 A. Yes.

16 Q. And what -- what does this e-mail discuss?

17 A. We talk about my text to apply efforts which would
18 be part -- because anybody who is interested in
19 applying, I have signs up. They can text me, and I will
20 communicate with them directly on how to apply.

21 We have hiring banners which we ordered for every
22 store in the District. We had an Indeed account set up
23 by one of my Managers, Christi, to try to attract talent
24 through that source. Then we had job fairs at 24th and
25 Nueces, which involved Jill and Yanica, who is another

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 Manager, to do on-the-spot interviews.

2 Q. And so, it looks like this Indeed account was for -
3 - to attract applicants for the whole District?

4 A. Correct, and Christi and another Manager in my
5 District.

6 Q. Okay. And then, the job fair at 24th and Nueces,
7 was that to hire applicants specifically for that store,
8 or for the whole District?

9 A. The whole District.

10 Q. Okay. And then, this second e-mail, can you tell
11 us who is that from?

12 A. This is from -- that is from Jill, and it was a
13 flyer that we posted, so that we could get the word out
14 across the District so they could come to that job fair.

15 Q Okay, and I will scroll down.

16 This is the flyer that was used for the hiring
17 fair, correct?

18 A. Yes.

19 MS. MEYER: So at this time, I would like to enter
20 Company Exhibit 6 into evidence.

21 **(Employer's Exhibit 6, marked for identification.)**

22 HEARING OFFICER SYKES: Any --

23 MR. QUINTO-POZOS: No objection.

24 HEARING OFFICER SYKES: Hearing no objection,
25 Employer's Exhibit 6 is entered into evidence.

1 **(Employer's Exhibit 6, received into evidence.)**

2 Q. BY MS. MEYER: And -- so Susan, how do these job
3 fairs work? What happens with the job fairs?

4 A. At the job fairs, we would have a table with
5 various tools that would show the benefits at Starbucks,
6 as well as several managers would join, so we would
7 rotate. And they could -- and they would arrive and we
8 would immediately do on-site interviews which would
9 involve two Managers, and then if we needed an
10 additional interview, we would have another Manager
11 interview.

12 Now, at that point in time, we would make the
13 decision to move ahead, and they would then put their
14 application in and go through the actual process of
15 applying in the system.

16 Q. And have these job fairs been successful?

17 A. Yes. Yes, they were. At the time in 2021 when
18 there was a labor shortage across the U.S., we were
19 usually getting anywhere from three to five potential
20 hires, so we got hires for -- from the job fair.

21 Q. And how do Partners -- how do candidates apply to
22 become a Partner at Starbucks?

23 A. They would apply through our starbucks.com/careers
24 site, and then put in an application via that digital
25 method.

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 Q. And what is Taleo?

2 A. Taleo is our system in which we would recruit
3 applicants.

4 Q. And so when an applicant applies, do they just
5 apply to one store, or could they apply to more?

6 A. They can apply to more.

7 Q. And how -- how does your District share applicants
8 amongst the stores?

9 A. Well, we actually have a system where I can
10 collaborate, where I can put my -- my drive-throughs
11 with the same collaboration, so three Managers would be
12 able to see all of the candidates -- applicants for
13 those three stores, and I have another group that looks
14 at applicants for those two stores, and in the
15 University area, I have -- all of those Managers are
16 collaborators for applicants that would apply to that
17 area, as well.

18 Q. And what --

19 A. And that they actually share back and forth,
20 regardless.

21 Q. And what is the actual purpose of setting up that
22 collaboration?

23 A. So that they can support each other and look at the
24 potential talent that is applying.

25 Q. And then, let's say an applicant has been in the

1 system for seven days, but they haven't been hired yet.

2 What happens then?

3 A. They can be sent to the pools for others to -- to
4 consider.

5 Q. And when an applicant is being interviewed -- well,
6 let me ask you...

7 Who typically conducts interviews for applicants?

8 A. Store Managers and Assistant Store Managers.

9 Q. Have you ever done any interviews?

10 A. Yes, I have.

11 Q. And when --

12 A. I'm sorry, go ahead.

13 Q. On what occasions have you handled an interview?

14 A. If, for example, at the job fair, if we had a lot
15 of applicants and they needed somebody to just have a
16 conversation or start an interview, I would jump in and
17 support.

18 Q. And how do you know what questions to ask the
19 candidates?

20 A. We have a set guideline of interview questions
21 through an --

22 Q. And what kind of guidance does it give you?

23 A. It gives you specifically the questions that you
24 can ask, and then it leaves space for notes.

25 Q. And are the people conducting interviews expected

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 to follow that document?

2 A. Yes.

3 Q. And then, who makes the -- who is involved in
4 making the hiring decisions for candidates?

5 A. The Store Manager would make that decision.

6 Q. And are you involved in hiring decisions for any
7 particular level or classifications?

8 A. Sure. For Store Managers and Assistant Store
9 Managers.

10 Q. And so, I notice that not every store in your
11 District has an Assistant Store Manager. How is it
12 determined, you know, how many you need, and where they
13 should go?

14 A. We determine -- if you see the Store Managers, they
15 are typically Store Managers in training, and that
16 period of time is -- it is not what we call coming a
17 role. It is their learning in role and supporting a
18 team.

19 We usually -- I usually place them in stores where
20 they are going to learn and be able to practice
21 everything that they learn through their Store Manager
22 training 30 days, and so it is based on putting them in
23 a store where there is -- where they are going to have
24 the best learning environment.

25 So, just thinking through doesn't necessarily mean

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 that stores have been allocated a Store -- an Assistant
2 Store Manager. The intention is that within six months,
3 that they are able to then start to apply for those open
4 roles in the -- in the Company.

5 Q. And do Store Managers play a role in hiring or
6 assigning Assistant Store Managers within the District?

7 A. No.

8 Q. And what if a Partner wants to transfer to a
9 different store? Who has to approve that decision?

10 A. Store Managers and District Managers on both sides.

11 Q. And when you say "on both sides," what do you mean?

12 A. So if a Partner is wanting to transfer to another
13 state or another city in Texas, for example, they fill -
14 - they fill out the form. The Store Manager will then
15 sign it and approve it, in their notes, and then they
16 send it to me, and I will then send it to the District
17 Manager in the receiving area.

18 Q. And does this transfer issue come up a lot in your
19 District?

20 A. Yes.

21 Q. How -- can you tell us more about why that happens,
22 about how your transfers are handled?

23 A. Sure. I would say in that Store 6284, as well as
24 the -- actually, across the District, there is a very
25 heavy -- well, anywhere from 15 percent to 25 percent of

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 the store did Partners transfer in my District in and
2 out, depending on school, as well as just seeking
3 different experiences in Austin. So it is a very
4 transient area.

5 Q. When an applicant is hired for a position at
6 Starbucks, do they go through the same on-boarding
7 process?

8 A. Yes.

9 Q. What is involved?

10 A. The on-boarding process would include a First Sip
11 with their Manager, and -- where they review how to --
12 introducing them to our coffee, introduce them to the
13 benefits, talk about what the training will look like.
14 Introduce them to Partners. It's a -- a welcome time
15 into the store and that is where they start to review
16 what things will look like, and so that is with on-
17 boarding.

18 In addition, they do on-boarding in the system to
19 all of the legal documents that they need to complete.

20 Q. Do they have to go through a background check?

21 A. Yes.

22 Q. And is that the same across the District?

23 A. Yes.

24 Q. And so after they have completed the First Sip, is
25 there any other training that new hires go through?

1 A. They have, I believe at least the basics, and they
2 will have various training like safety and security
3 training. That happens every Period Planning. Then
4 they also have training for different promotions, and
5 that is done through the iPad, and/or the back of the
6 house computer.

7 Q. And the training content for Barista basics, where
8 does that come from?

9 A. Starbucks.

10 Q. Are Store Managers developing that themselves?

11 A. No.

12 Q. And who is responsible for conducting those Barista
13 Basics training?

14 A. The Store Manager and they assign it to a Barista
15 Trainer.

16 Q. And do you have any programs that you participate
17 in for new hires?

18 A. I have, in the last six months, have completed what
19 I call the Second Sip, and -- sorry, just a second. And
20 that would be a time when Partners, new hires, can
21 connect with me to talk about any questions they have,
22 if they want to review benefits. I actually ask about
23 their training, how it went, who was their Trainer, and
24 it is a way to level -- like if that experience has been
25 good or how I can support them.

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 Q. And is that open to all new Partners in your
2 District?

3 A. Correct.

4 Q. And so Partners, new Partners, can they be trained
5 at a different store, or are they only trained at the
6 store that they are hired at?

7 A. They can be trained at a different store.

8 Q. And how does that work?

9 A. If we have a Barista Trainer that is available to
10 support the training of the new hire, we will -- the
11 Managers will connect, and they will make -- schedule
12 that into the store, so that that Partner can get
13 trained.

14 Q. And what are some reasons that the training would
15 take place at a different store, other than the
16 Partner's home store?

17 A. If the store hires a Partner, and we build our
18 schedules three weeks out, so if, in fact, we don't have
19 that within our schedule for them to get that Partner
20 trained, we would ask another store to support and see
21 if there is an opportunity so that we can get the
22 Partner on-boarded and working right away.

23 Q. And is the training that is provided, is it
24 specific to one store, or are there any differences
25 between the trainings?

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 A. The -- the only difference in Barista Basics is if
2 you have drive-through, you would have a separate module
3 for drive-through, which is in addition to the Barista
4 Basics program.

5 Q. All right, and in terms of the drive-through model,
6 so is that the same for every drive-through store in
7 your District?

8 A. Yes.

9 Q. Okay. How does a Barista get promoted to Shift
10 Supervisor?

11 A. They would apply to the role through crew
12 progression, and then have an interview with the Store
13 Manager, and then we also have another Store Manager
14 that would interview them, as well, you know, so they
15 can collaborate and make sure that indeed they are ready
16 for the next level.

17 Q. And then that second interview with another Store
18 Manager, is that done by another Store Manager in the
19 District?

20 A. Yes.

21 Q. Okay. And can Baristas interview for Shift
22 Supervisor positions at different stores?

23 A. Yes.

24 Q. And who makes the -- who makes the decision to hire
25 a Shift Supervisor?

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 A. The Store Manager.

2 Q. And who makes the decision to promote a Shift
3 Supervisor to Assistant Store Manager?

4 A. The Shift Supervisor would apply to an open rep for
5 Assistant Store Manager, and the -- they would then be
6 evaluated by the recruiter, and then the recruiter would
7 then assign it to two District Managers who would
8 interview that AS, that potential ASM.

9 Q. And can ASM's work at multiple stores within the
10 District?

11 A. Yes.

12 Q. On what occasions would they do that?

13 A. Well, when we have a Manager going on vacation, we
14 would ask the Assistant to cover that store while that
15 Manager is on vacation, so that they can get some
16 practice in role, as well as supporting the team that is
17 at that store.

18 MS. MEYER: I am about to switch topics, so I
19 thought this might be a good time for a break. We have
20 been going for about an hour and a half. Just a quick
21 bathroom break maybe?

22 HEARING OFFICER SYKES: Yeah. We can go off the
23 record for ten, fifteen minutes?

24 MS. MEYER: Ten minutes would be fine.

25 MR. RAHHAL: How about fifteen?

1 MS. MEYER: Oh, well, okay.

2 HEARING OFFICER SYKES: We will do a fifteen, so we
3 will be back at 10:45.

4 Off the record.

5 *[Off the record]*

6 HEARING OFFICER SYKES: Okay. All right, we can
7 get back on the record.

8 THE COURT REPORTER: We are on the record.

9 HEARING OFFICER SYKES: Thank you.

10 Q. BY MS. MEYER: All right, Susan, can you tell me
11 who sets the store hours of operation for the stores in
12 your District.

13 A. That is a collaborative effort between myself and
14 the Store Manager.

15 Q. And how are those store hours determined?

16 A. They are determined through -- we have some tools
17 that determine the business trends of the store, that
18 will indicate when we have business, and it is -- all
19 right, I'm sorry. I'm sorry, I lost what the title of
20 that report is, but it will determine the transactions
21 that we have at a certain point in time and when we
22 should close the store according to the business. But,
23 in addition, as mentioned earlier, it is unsafe in many
24 of my stores so that at points in time, we would close
25 earlier due to safety reasons.

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 Q. And can a Store Manager change the hours of their
2 store without collaborating with you?

3 A. No.

4 Q. And why is that?

5 A. They need to seek approval so that I understand why
6 they are changing their hours, and then we can make that
7 decision together.

8 Q. And how do you determine the staffing needs for
9 your District?

10 A. They are determined based on business needs.

11 Q. And how do you -- how do you go about assessing the
12 staffing levels?

13 A. Staffing levels, in terms of like making a
14 schedule, the -- the Store Manager will use our tools on
15 Starbucks Partner Hours to know what the trends are, and
16 where we need to have the most Partners or the least
17 amount of Partners to run the business throughout the
18 day.

19 In terms of staffing levels, depending on the
20 season or the trends of business across the District, we
21 may determine that we don't have as many hours available
22 to Partners based on those trends.

23 Q. And do you use any like shared tools or documents
24 to monitor staffing?

25 A. Yes. We have a shared Partner Planning Board which

1 lists all of the staff for each store. It is something
2 that the team can access through a shared document for
3 the Store Managers and Assistant Store Managers, and
4 they can look at where the Store Managers are, the
5 Assistant Store Managers, the Shift Supervisors, the
6 potential Shift Supervisors, the potential Barista
7 Trainers, and then the entire team.

8 So we have a -- an overview of the entire District
9 on where we are with staffing.

10 Q. And what is the purpose of that Partner Planning
11 Board?

12 A. It is to help the entire District, for staff, to
13 meet the needs of our Partners and customers.

14 Q. And then, how is the number of labor hours assigned
15 to each store determined?

16 A. That is through business needs.

17 Q. And what tools are used for that process.

18 A. Added to that Starbucks Partner Hours tool, it will
19 indicate the trends of what we actually earned, based on
20 past performance, current performance, and it will give
21 a forecast which the Store Manager will build a schedule
22 according to that forecast, or if they have a business
23 pace to increase or decrease those hours based on the
24 forecast, they would share it with me, and we would have
25 a conversation on why they were increasing hours or

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 decreasing -- or decreasing hours based on that
2 forecast.

3 Q. And so does the Store Manager have to go to you if
4 they want to deviate from the forecast?

5 A. Yes. Yes.

6 Q. And you -- do you monitor where the Store Managers
7 are falling with respect to the forecast?

8 A. Yes.

9 Q. And how do you do that?

10 A. I work -- I go to the Report Center and download --
11 which is called the Weekly Labor Report, which I can
12 look at daily, and you look at the -- how -- what
13 transactions they have had the previous day, if that
14 matches their forecast, and whether they are trending
15 for labor, receipts, and reviews.

16 Q. And so Store Managers have to go to you to schedule
17 the forecast. What about overtime? Do you have to be
18 involved in that decision, as well?

19 A. Yes. Yes.

20 Q. And -- and how does that work?

21 A. They -- if they are in a situation where they are
22 requesting overtime, they are to call me and tell me
23 exactly what is -- why they need to request overtime,
24 and in some cases we do grant that, based on a critical
25 need to run the business. So -- but they do have to

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 seek approval for overtime.

2 Q. How many hours a week are Store Managers scheduled
3 for?

4 A. Forty.

5 Q. So, as a result, are there times when the store is
6 open, but a Store Manager is not on shift?

7 A. Correct.

8 Q. And who runs the store in that instance?

9 A. Shift Supervisors, or ASM's, Assistant Store
10 Managers.

11 Q. And so in that role, what kind of responsibilities
12 do they have?

13 A. They would -- they are in charge of making sure the
14 store is running according to our operational
15 procedures. They make sure that Partners go on break.
16 They can access the safe. They make sure there is a
17 great environment for both Partners and customers. They
18 secure the property at opening and close. They, in
19 fact, also order products if needed through our system,
20 and they also do some inventory counts during that
21 shift.

22 Q. And are you familiar with the term "keyholder?"

23 A. Yes.

24 Q. Can you tell us what that refers to?

25 A. That would be who is in charge of the shift. So

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 the Shift Supervisor who is in charge of the shift is
2 the keyholder.

3 Q. And I think I already asked you about this, but
4 when a Store Manager goes on vacation, who is
5 responsible for the store?

6 A. The ASM, if they are there, but we also have proxy,
7 Store Manager or proxy ASM, and then, as well, I am
8 always in charge of the entire District.

9 [Long pause]

10 Q. And we talked about the schedule a little bit. How
11 far in advance are the schedules posted?

12 A. Three weeks.

13 Q. And do you ever get involved in schedule issues
14 with the Store Manager?

15 A. Yes.

16 Q. How would you get involved?

17 A. Well, for example, if -- if they need support and
18 they have some gaps, we will -- I will support in
19 getting Partners for that location, or we will talk
20 about an approach on what we need to do with scheduling,
21 as well as -- they may have some questions on why this
22 amount of Partners are on the floor and have connected
23 to Labor Management, as well.

24 Q. Who would make the decision to close a store?

25 Let's say, if there is a COVID exposure or inadequate

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 staffing or other instances?

2 A. Sure. The Store Manager or the DM together.

3 Just to share, if there is a situation in my
4 District where it is unsafe, the Shift Supervisor has
5 the power to lock the door to make sure that we could
6 shelter in place at the time -- not at the time, but we
7 have had to do that before where we had to lock the door
8 to make sure that the Partners were safe.

9 Q. And who makes the decision to turn off mobile order
10 at the stores in your District?

11 A. The District Manager and Store Manager.

12 Q. So is your approval required for that?

13 A. Yes.

14 Q. What happens if a Partner is not able to cover the
15 shift that they have been assigned to?

16 A. If it is a -- maybe to seek coverage, like if they
17 forgot they had another meeting, or they had another
18 obligation, they would need to have that shift covered.
19 It is their responsibility to get it covered.

20 Q. Okay.

21 A. If the Partner is sick, it is the responsibility of
22 the Manager to get coverage.

23 Q. So, let's start with when a Partner is trying to
24 find coverage on their own. What methods or tools can
25 they used to do?

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 A. They can go to -- well, we have an app for what is
2 called Partner Swap or Shift Swap, and they can go in
3 there and put their shift up for grabs for the entire
4 District, and I believe, area, as well, but they may as
5 well put in the Work Chat, or they have their own chat,
6 as well. I am not sure what they use, but their text
7 chat, but they also can share with the Manager who will
8 put it out in the Work Chat for the other stores to see.

9 Q. And so, if the Manager is responsible for finding
10 the coverage, how can they go about doing that?

11 A. The same method. They can reach out in the Work
12 Chat, and they can also call the stores and ask if they
13 need help. They can also reach out to Partners within
14 their current store to see if somebody can cover the
15 shift.

16 Q. And so, for Partners or Managers who are looking
17 for coverage, do they have a -- a -- is there an
18 expectation that they look within their store first, or
19 can they look anywhere in the District for coverage?

20 A. They can look anywhere in the District.

21 MS. MEYER: I am going to share my screen again.

22 Q. BY MS. MEYER: Can you see that, Susan?

23 A. Yes.

24 Q. Can you tell me what this document is?

25 A. It's a message between a Store Manager and ASM

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 about coverage needed.

2 **(Employer's Exhibit 7, marked for identification.)**

3 Q. BY MS. MEYER: And so where does this -- this
4 message come from?

5 A. This is from Work Chat. It is our District Work
6 Chat.

7 Q. And so who is in the District Work Chat?

8 A. All Store Managers and ASM's.

9 Q. And who is Jill Benton?

10 A. The Store Manager.

11 Q. And so, these numbers in the -- does that refer to
12 the store numbers?

13 A. Yes.

14 Q. And then, who is Luis Oliman?

15 A. Luis is the Assistant Store Manager at another
16 store in the District.

17 Q. Okay, and so what's -- what is the -- what is the
18 context of this message?

19 A. We are seeking Shift Supervisor support for the
20 location for potential isolation due to COVID, and we
21 are asking for help to cover the shift.

22 Q. Okay.

23 A. And then, Luis is responding that they will look
24 when they get to their store to see what support they
25 can provide.

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 Q. Are these text messages common?

2 A. Yes.

3 MS. MEYER: At this time, I would like to enter --

4 I think it is Company Exhibit 7.

5 MR. QUINTO-POZOS: Can I do voir dire?

6 HEARING OFFICER SYKES: Yes.

7 VOIR DIRE

8 Q. BY MR. QUINTO-POZOS: Ms. Nixon, good morning.

9 My name is Manuel Quinto-Pozos. I am the lawyer
10 for the Union.

11 I just have a quick question, or maybe two, for
12 you, about this document.

13 Are you -- are you in -- in this particular Work
14 Chat group?

15 A. Yes. This one I am, yes.

16 Q. So this includes Store Managers, ASM's, and you?

17 A. Yes. Yes.

18 MR. QUINTO-POZOS: Okay, no objection.

19 HEARING OFFICER SYKES: All right, hearing no
20 objection, Employer's Exhibit No. 7 is entered into
21 evidence.

22 **(Employer's Exhibit 7, received into evidence.)**

23 CONTINUING DIRECT EXAMINATION

24 Q. BY MS. MEYER: Okay, and then, for clarification,
25 is there another Work Chat that Store Managers might

1 also use?

2 A. Yes.

3 Q. And who is involved in that one?

4 A. Store Managers and ASM's.

5 Q. Okay, and you are not in that one?

6 A. No. And I will share that there is even more
7 frequent conversation on coverage in that chat, and we
8 try and use this chat for other business conversations,
9 but if there is an urgent need like this one, where we
10 need a keyholder for a store, it is escalated to a
11 little more, "This is the relief I need," so I can step
12 in...

13 Q. And do -- do Store Managers ever solicit -- do
14 Store Managers ever solicit volunteers to work at the
15 other stores?

16 A. Yes.

17 Q. And do -- are Partners required to work at other
18 stores?

19 A. No.

20 Q. How is -- how is that handled, trying to secure
21 coverage at other stores?

22 A. So, I think -- if I understand you correctly, if we
23 have needs in other stores, we share those needs with --
24 and we have like -- we are preparing the schedule for
25 the next week or the following week, the Managers can

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 connect and say, "I have these gaps in my schedule. Do
2 you have Partners that are willing and available to come
3 support, and work in my store?" So they will work
4 together and they talk to the Partners to see if that is
5 something that they would be willing to do, and then
6 they will come and work in these -- and borrow the
7 Partner to that other location for that shift. In the
8 system, it is called "borrowed Partnering."

9 Q. Is there an expectation that Partners will work at
10 other stores?

11 A. No. No.

12 Q. Are they encouraged to work at other stores?

13 A. Yes.

14 Q. Are you familiar with the term "Play Builder?"

15 A. Yes.

16 Q. Can you tell us what "Play Builder" is?

17 A. Play Builder is a tool that helps the Shift
18 Supervisors or the keyholders to run their shifts. It
19 deploys Partners to support the need for the business.

20 Q. And what do you mean by "deploys Partners?"

21 A. We have various stations where the work is at, so
22 like the POS, the point of sale, and we also have bar
23 Partners or cold station Partner, or oven Partner or
24 hand-off Partner or -- or a customer support Partner.
25 They are deployed positions that include a routine of

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 work within that position, and the Play Builder is this
2 tool that the Shift Supervisor will use to understand
3 how to best support, or whatever the business needs,
4 according to that play part, and it is based on database
5 information, historical information about the --

6 Q. And who is responsible for using Play Builder?

7 A. Shift Supervisors.

8 Q. And does the person who uses Play Builder have a
9 term or a name?

10 A. Play Builder.

11 Q. Have you ever heard the term "Play Caller?"

12 A. Yes. Yes.

13 Q. Okay.

14 A. I'm sorry.

15 Q. And you said like typically that that is the Shift
16 Supervisor?

17 A. Yes.

18 Q. Okay, do they receive training on Play Builder?

19 A. Yes.

20 Q. What type of training?

21 A. It is shared through Shift Supervisor, using talent
22 to use the tool. They, as well, receive training
23 through -- as well as the update the tool since it has
24 got even more sophisticated connected to the type of
25 workload that we have during the season. Meaning,

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 during the summer, we might get more cold beverages
2 versus hot beverages. So, as we update the system to
3 get more sophisticated to seasonal changes, they will
4 get training on what that looks like.

5 Q. And do you expect that the stores in your District
6 will use Play Builder?

7 A. Yes.

8 Q. How can you tell if they are?

9 A. Well, when I -- I come into the store and do a
10 Quick Connect, I will take a post check on what I see,
11 if it is clear who is in what position, and then I do
12 connect with the Shift supervisor as for who is deployed
13 where. And, I also notice when I come in the store if
14 there is a bottleneck, like if there is a long line at
15 the POS, or a long line at the hand-off, there might be
16 a bottleneck somewhere where the Partner has not been
17 been deployed correctly. So, at that point, I might
18 ask, "Can you show me your play, or tell me about your
19 play," and then at that point, I will say, "Let's pull
20 it up in the Play Builder."

21 Q. And so the Play Builder is supposed to correct for
22 those types of issues like bottlenecks or --

23 A. Uh-huh. Yes.

24 Q. Okay.

25 A. Right.

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 Q. I did have one question going back to like
2 borrowing Partners and finding shift coverage.

3 How do you handle special events in Austin, like,
4 for example, South by Southwest?

5 A. Sure. So we had already projected back six months
6 ago that this was going to happen pending COVID, and
7 based on that, we put in our calendars, and everybody
8 obviously made a plan three weeks out from the event, or
9 even farther out, trying to determine what -- what kind
10 of labor we would need for the event, and during the --
11 that time period, the biggest impacts were as far as
12 were like 3rd and Lavaca, and the 6th and Congress
13 stores, which were right in Downtown, and we asked for
14 Partners from other stores to come and support, and work
15 shifts during this time period.

16 So, it was shared that we would need support based
17 on what we projected the needs were during that event,
18 and then they were borrowed to the store and put into
19 their -- their schedule.

20 Q. Susan, now I am going to ask you some questions
21 about discipline.

22 A. Uh-huh.

23 Q. What level of discipline does Starbucks use for
24 Partners?

25 A. We use a corrective action or a tool to share what

1 needs to be corrected, whether it be time and
2 attendance, whether it be cash-handling, whether it be
3 any policy violation.

4 Q. Are -- are you referring to Virtual Coach?

5 A. Yes.

6 Q. Okay.

7 A. Yes.

8 Q. Can you tell us what Virtual Coach is?

9 A. Well, Virtual Coach is a way to determine what the
10 next steps are the Manager should take, based on the
11 circumstances.

12 So, when do we reach out to Partner Resources for
13 support, a way to consult with the District Manager.

14 Q. And based on the recommendation of Virtual Coach,
15 or -- scratch that.

16 When issuing discipline to Partners in the
17 District, do Store Managers use a particular form?

18 A. Corrective Action Form.

19 Q. And so that is the same across the District?

20 A. Correct.

21 Q. And how, if at all, do you get involved in
22 disciplinary decisions?

23 A. If a Manager is seeking additional support,
24 certainly if the Manager is new to the role, and they
25 need support on how to write it, as well as if it is a

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 final, I get involved with that conversation or
2 supporting them on how to write it.

3 I also make sure that it should be a final. If
4 there was prior documentation or prior conversations
5 that have been documented, I want to make sure there is
6 progressive performance management and the Partner is
7 clear on what they are receiving the corrective action
8 for.

9 I might also get involved if there is a separation.

10 Q. And how are you involved in separations?

11 A. Prior to separation, the Store Manager needs to
12 provide any documentation on why they are now
13 separating, or if there is any type of -- whatever
14 happening prior to them taking that step.

15 Q. Okay.

16 A. And in addition, I make sure that they have
17 completed the Separation Notice -- the Notice of
18 Separation document, and support them on how that is
19 written.

20 Q. And are you ever involved in disciplinary
21 conversations with Partners?

22 A. Yes, I am.

23 Q. In what instances do you get involved?

24 A. If -- if the Manager needs support of the witness,
25 I do get involved, and I am there for the conversation,

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 and also be there to support the Partner if they have
2 questions on what next steps will happen after they are
3 separated.

4 Q. And who is responsible for disciplining Assistant
5 Store Managers?

6 A. I am.

7 Q. And how -- how are investigations into Partner
8 misconduct handled? Who is involved in those?

9 A. Business Ethics and Compliance through Starbucks.

10 Q. And have you had any of those investigations at the
11 petitioned-for store?

12 A. Yes.

13 Q. Can you give us a little more information on the
14 circumstances of that?

15 A. Sure. There was some concerns brought forth on
16 Jill Benton a year ago, and they were investigated and
17 unsubstantiated.

18 Q. And so, who conducted that investigation?

19 A. Our Business and Compliance Team, Ethics and
20 Compliance Team.

21 Q. How are -- what about like Partner complaints at a
22 store? Where do those go, or who do they make those
23 complaints to?

24 A. Partner complaints, they can call our Partner
25 Contact Center. They can call me. They can call

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 Magnolia Lopez, who is the Partner Resources Manager.

2 They can call Timothy Klein, our Regional Director, and

3 they can call Traci York.

4 Q. And do you ever get involved in resolving Partner
5 complaints?

6 A. Yes.

7 Q. How so?

8 A. In many circumstances, I sit down with the Manager
9 and the Partner. We talk about what is going on, and
10 how we have miscommunication, and how we can move
11 forward together, and work together, so that we all
12 understand each other.

13 Q. And how are customer complaints handled?

14 A. Customer complaints, I will receive customer
15 complaints via the -- the Customer Care line, through e-
16 mail, or I will also receive phone calls, and I also
17 will receive texts for feedback. In those instances
18 where I get them from Customer Care, they may request
19 direct contact by the DM, so I will follow up with them
20 within 24 hours to understand what happened in the
21 store, and it doesn't -- if that is not required, I will
22 forward the customer complaint to the Store Manager for
23 follow-up, as well.

24 Q. Are all of the Partners in your District subject to
25 the same Company policies?

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 A. Yes.

2 Q. Those don't vary from store to store?

3 A. No.

4 Q. And are those contained in a particular handbook or
5 document?

6 A. Yes, the Partner Guide.

7 Q. And what other resources do -- do Partners have to
8 access, you know, about their employment?

9 A. Partner Hub. Now we have Partner Central, which
10 has their Partner information, and everything about
11 employment.

12 Q. And do all of the Partners in your District share
13 the same Partner Resources Manager?

14 A. Yes.

15 Q. That is Magnolia, whom you have mentioned?

16 A. Correct.

17 Q. And do Partners follow the same process when they
18 are clocking in for work?

19 A. Yes.

20 Q. What is that process?

21 A. They would arrive to work. We have the COVID
22 check-in, but, yes, they clock in, do the COVID check,
23 wash their hands, so we have protocol for safety -- wash
24 their hands, do their check-in, check their temperature,
25 sign in to the COVID coach. They should be arriving and

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 be ready to start to work at the start of their shift
2 which is on the schedule.

3 Q. Who determines the wage rates for stores in your
4 District?

5 A. Starbucks.

6 Q. And do the same wage rates apply at all of the
7 stores in your District?

8 A. Yes.

9 Q. Okay. What about wage increases? How are those
10 determined?

11 A. Starbucks.

12 Q. And when you refer to Starbucks, who are you
13 referring to?

14 A. To our Starbucks Corporation Regional Directory,
15 Timothy Klein, Traci York; they would determine the
16 market changes if we could get those approved.

17 Q. Okay. So, does the Store Manager have control over
18 wage decisions?

19 A. No.

20 Q. And have you had any wage changes in Austin that
21 apply to your District?

22 A. Yes. I think -- about a year ago, we received a
23 substantial increase for both Barista and Shift
24 supervisors, in their pay, so that was within the last
25 year.

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 Q. And who determines what benefits the Partners in
2 your District receive?

3 A. Starbucks.

4 Q. And are they all eligible for the same benefits
5 package?

6 A. Yes.

7 Q. They have to meet the same criteria for those
8 benefits?

9 A. Yes.

10 Q. Do Store Managers have the authority to issue any
11 bonuses or wage increases?

12 A. Store Managers will give bonuses based on -- there
13 is a couple of options that can happen. A Barista
14 Trainer, if they are training a Partner, will receive a
15 small bonus for training that specific Partner. We also
16 have Partner of the Quarter; for every quarter, there is
17 one Partner per store that will receive that
18 recognition, and they receive the Partner of the Quarter
19 bonus. And, if they refer a Partner, they get a bonus.

20 Q. And are those three bonuses that you have
21 mentioned, are they governed by any policy or
22 guidelines?

23 A. Yes.

24 Q. And so, for example, the Barista Trainer, who sets
25 the amount of the bonus if an employee is a Barista

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 Trainer?

2 A. Starbucks.

3 Q. So does the Shift Manager have any control over
4 what that bonus is?

5 A. No.

6 Q. Does the shift -- the Store Manager, excuse me,
7 does the Store Manager set the criteria for determining
8 whether a Barista Trainer receives a bonus?

9 A. No.

10 Q. And is that the same with respect to Partner of the
11 Quarter and referral, there are guidelines that control
12 those?

13 A. Yes.

14 MS. MEYER: Okay, I have no further questions, so I
15 will pass the witness at this time.

16 HEARING OFFICER SYKES: Does the Union need like
17 five minutes to --

18 MR. QUINTO-POZOS: I don't think so. We can
19 proceed.

20 HEARING OFFICER SYKES: Okay. You can go ahead
21 with your cross examination

22 CROSS EXAMINATION

23 Q. BY MR. QUINTO-POZOS: So, hello, again, Ms. Nixon.

24 As I said earlier, my name is Manuel, and I am the
25 attorney for the Union.

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 I just have some follow-up questions for you.

2 A. Yes, sir.

3 Q. You said you worked at other Districts before; is
4 that correct?

5 A. Yes.

6 Q. Okay. You said approximately, or exactly, eight
7 Districts?

8 A. Yes. Yes, I have been in three different markets,
9 so at certain times, I managed two Districts, so yes.

10 Q. Okay, and when you say different markets, you mean
11 outside of Austin?

12 A. Correct.

13 Q. Okay. And I am just going to ask you about some of
14 the -- some of the documents that -- that I understand
15 exist.

16 So, for example, there is a job description for a
17 Store Manager; is that right?

18 A. Yes.

19 Q. All right. Okay, and is that job description the
20 same at the other Districts where you worked and at this
21 District?

22 A. Yes.

23 Q. Is it the same nationwide?

24 A. Yes.

25 Q. Okay. What about the Partner Guide, is that the

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 same across all of those Districts?

2 A. Yes.

3 Q. And also nationwide?

4 A. Yes.

5 Q. Okay. And you talked about -- during your
6 testimony, you talked about -- I think you talked about
7 the Facilities Manager.

8 A. Correct.

9 Q. Okay, and is that -- is that person assigned to the
10 District only?

11 A. No, they -- I believe they have two areas. So they
12 for sure cover the area, and not just the District.

13 Q. Okay, and -- and you also talked about in the
14 hiring process, there is a background check that
15 Partners have to pass by job offer; is that right?

16 A. Yes.

17 Q. And is that a District-specific policy?

18 A. No.

19 Q. Okay, is that -- when is that policy applied?

20 A. That is a nationwide Starbucks Corporation
21 requirement.

22 Q. Okay.

23 A. Uh-huh.

24 Q. And we talked, for example, as well, or you talked
25 about the Corrective Action Form being something that

1 applies to the District. Do you recall that?

2 A. The -- the actual form -- it is actually a
3 Starbucks Policy Form.

4 Q. Okay, so --

5 A. Yes.

6 Q. So nationwide?

7 A. Yes.

8 Q. Okay. And you also talked about the policies being
9 in the Partner Guide; do you recall that?

10 A. Yes.

11 Q. Is that also nationwide?

12 A. Yes.

13 Q. Okay. And you most recently talked about the wage
14 rates and the fact that that is determined by Starbucks.
15 Do you recall saying that?

16 A. Yes.

17 Q. Now, there are -- and at the beginning of the -- of
18 your testimony, we saw a map that showed the stores that
19 are in the District. Do you --

20 A. Yes.

21 Q. Do you remember seeing that?

22 A. Yes.

23 Q. Okay. Now, are there stores in Austin that are
24 outside of the District?

25 A. Yes.

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 Q. Okay, and do you know if the wage rates at those
2 stores are different from those wage rates in the
3 District?

4 A. No, I believe in our area, they are all the same
5 wage rates. It is due to the market. So the wage rates
6 in Austin may be different than in Hawaii or California,
7 for example.

8 Q. Okay, but so -- but if a Partner changes or is
9 transferred to store in Austin, but outside of the
10 District, they will be paid the same wage rate?

11 A. And, I -- I -- I am pretty sure, yes. I don't know
12 where -- where outside the city it changes, but I am
13 almost sure it is the same wage rate across the whole
14 Austin market.

15 Q. Okay. Fair enough.

16 Let's talk a little bit about interviewing.

17 A. Okay.

18 Q. When applicants are interviewed for the positions
19 of Barista and Shift Supervisors --

20 A. Yes.

21 Q. Do Store Managers --

22 MR. QUINTO-POZOS: Who dropped off?

23 Somebody dropped off.

24 THE WITNESS: Somebody left.

25 MS. MEYER: I think we have got all of the key

1 players.

2 THE WITNESS: Okay, that was --

3 MR. QUINTO-POZOS: I think that is right.

4 THE WITNESS: Okay.

5 MR. RAHHAL: I believe -- just for the record, I
6 believe Tim -- he just sent me an e-mail that he was
7 going to drop off, so...

8 THE WITNESS: Okay. Okay.

9 MR. QUINTO-POZOS: So we can let loose now. Okay,
10 okay?

11 Q. BY MR. QUINTO-POZOS: So going back to interviews
12 of Partners and Shift Supervisors, do you know if Store
13 Managers conduct interviews for applicants to those
14 positions by themselves?

15 A. They do, and then they will also bring in another
16 Manager. If they are -- they -- they are only required
17 to interview themselves, but they also take support if
18 they need another Manager to support their interviewing.

19 Q. So, that is optional?

20 A. Correct.

21 Q. Okay.

22 A. And I will -- also, if I can add one more note...

23 Sometimes the Manager might say, "I have an
24 applicant that might be a good fit for your store.

25 Let's interview together, and collaborate and see if

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 they could be a good fit for your store," so they are
2 sharing applicants and looking for talent together.

3 Q. Do you have any estimation of how frequently that
4 happens?

5 A. Gosh. I do not. I would say -- for a Shift
6 Supervisor role, it happens often, because we are
7 looking for keyholders and those that can manage our
8 business when we are not there, and that is more of like
9 sharing leadership talent.

10 For -- for Baristas, it is not as often, no.

11 Q. Okay.

12 A. I don't have a percentage though, I'm sorry.

13 Q. Okay. No, fair enough.

14 And I'm sorry if you referred to this earlier, but
15 there is something called PDC's, is that Partner
16 Development Conversations?

17 A. Yes.

18 Q. Okay, and what are those?

19 A. Those are every six months, the Store Manager and
20 Partners will sit down and talk about personal
21 development time, and talk about how it has been going,
22 and what support they need.

23 Q. And are Store Managers required to include you in
24 that conversation?

25 A. No. No. I do -- so there is a rotation made. We

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 will do every six months, they will sit with me, and I
2 will work with the Managers and ASM's, and do their PDC
3 conversation, and then rotate, for the other six months,
4 the Store Managers will do that with the Partners.

5 Q. Okay.

6 A. We may do it more frequently. It is up to them.
7 They could do it every month or have a sit-down and talk
8 about aspirations with the Partners, but those happen --
9 the Baristas are supposed to do a Personal Development
10 Plan, as part of their -- that conversation.

11 Q. And do Store Managers team up with other Store
12 Managers for PDC's?

13 A. Not frequently. They may, if they want some
14 support, but typically not.

15 Q. Okay.

16 *[Long pause]*

17 Q. You made reference to the fact that this particular
18 store, and I am not -- I didn't memorize the number, so
19 is it okay if I just call it the 24th Street --

20 A. Yes.

21 Q. Okay. You mentioned that it is close to the
22 University of Texas campus, right?

23 A. That's correct.

24 Q. Okay, and so -- do events near the store, such as,
25 you know, for example, football games, does that affect

1 how busy the store is?

2 A. Yes.

3 Q. Okay.

4 A. The football games also affect many other stores in
5 the District.

6 Q. Sure. But not all of the stores in your District,
7 or not to the same extent?

8 A. They do, because people -- because people will stay
9 Downtown, so Downtown -- it will get busy Downtown. So,
10 there is different varying degrees of people coming in
11 and coming to events.

12 Q. Okay, and you made reference to the technology
13 tools that exist to help the Store Manager determine the
14 number of labor hours and the -- and the play positions
15 to be scheduled. Do -- do you remember that testimony?

16 A. Yes. Yes.

17 Q. And do those tools take into account, for example,
18 the football games at UT?

19 A. Yes, they -- they can. What happens is the Shift
20 Supervisor will put in how many Partners they have on
21 the Play Builder, and then it will re-deploy according
22 to those Partners, and the Manager would -- as we have
23 forecast for like South -- or different concerts that
24 happen Downtown or on campus, they will then build the
25 schedule with that event in mind.

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 Q. But --

2 A. The Shift Supervisor can change the Play Builder.

3 Q. I appreciate that, but I guess my question was,

4 does the Play Builder -- the Play Builder or Play

5 Builder Tool, or the labor forecasting technology, does

6 that build like the football schedule into it?

7 A. No, it -- it doesn't. It is not sophisticated to

8 that point yet, but it will forecast an uptick in

9 beverages according to historical information, not

10 football games change dates and so on, so it is still

11 somewhat in a manual place in terms of determining the

12 labor needed to events that may or may not have been

13 predictable, and certainly in this past year with COVID,

14 it has been -- sometimes things don't happen as we

15 thought they would happen.

16 Q. So the Store Manager knows that there is a home

17 game next week. Jill, in this case, the Store Manager,

18 can depart from the forecast?

19 A. Yes.

20 Q. Okay.

21 A. Yes.

22 *[Long pause]*

23 Q. There was a situation with the prior Store Manager.

24 Her name was Samantha; is that right?

25 A. Uh-huh. Yes.

1 Q. Okay, there was a situation in which, if I
2 understand correctly, you believed that Lillian Allen
3 was not a good fit for the store for the Company. Does
4 that ring a bell with you?

5 A. We had some performance conversations, but that --
6 I don't recall that being --

7 Q. Do you recall that you wanted Samantha the Store
8 Manager to do about these issues?

9 A. We talked about documenting the behavior, which is
10 within -- with -- within or without policies.

11 Q. Did you ever want -- did you ever tell Samantha
12 that you wanted -- that you felt that Lillian should be
13 separated?

14 A. If she did not follow policy, I -- yes, I would
15 have supported her being separated.

16 Q. Okay, I understand that, but did you -- did you
17 actually Samantha to separate Lillian?

18 A. No.

19 Q. Okay. Did you ever tell her that?

20 A. Yes.

21 Q. I'm sorry, what did you tell her?

22 A. I said let's -- let's have conversation and we
23 would talk about what needs to happen in terms of
24 performance, and continue to document, if we need to,
25 and to be clear on having to -- on how to perform in the

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 store.

2 Q. Did you ever tell Samantha that you wanted Lillian
3 separated?

4 A. No.

5 Q. Okay, but could you force Samantha to separate
6 Lillian?

7 A. Could I force her? I would need the proper
8 documentation to do so.

9 Q. Okay.

10 [Long pause]

11 Q. You talked a little bit about the fact that some of
12 you -- some of the stores in the District are drive-
13 through stores, and some are café only, right?

14 A. Yes.

15 Q. We also talked about a new pick-up location; is
16 that right?

17 A. Yes, correct.

18 Q. Well, I can't remember how new it is, but it is --
19 it's a different kind of store, right?

20 A. Correct.

21 Q. Okay, and so, those differences -- are those
22 differences reflected in the Play Builder Tool?

23 A. They -- yes. I mean, they would have a different -
24 - it is basically the same operational model. They have
25 the same positions; Hand-off, Warmer, a cold beverage

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 station, a brewing station. It is the same model, it is
2 just formatted slightly different. They just don't have
3 a -- well, they do have the capabilities, because they
4 still have to pay cash, but the person who is the
5 Customer Support person, may ring up. So it is pretty
6 much the same, with slightly some differences, because
7 everything is behind a wall.

8 Q. Okay, but for example, there is no drive-through
9 positions at a café store, right?

10 A. Correct. Correct.

11 Q. And there are no drive-through positions at the
12 pick-up store.

13 A. Correct.

14 Q. And there are no hand-off positions at the pick-up
15 store.

16 A. Yes, there is.

17 Q. There is -- okay. Are there positions -- are there
18 positions that exist at the café or at the drive-through
19 stores that don't exist in the pick-up store?

20 A. I'm sorry, there are positions at the pick-up store
21 that don't exist at other stores?

22 Q. No, the other way around.

23 A. Okay.

24 Q. Meaning does -- does the pick-up store have fewer
25 positions like --

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 A. No, no. No.

2 Q. Okay.

3 A. No. No.

4 [Long pause]

5 Q. Do you have a way of estimating how many -- how
6 many Second Sips you had with Partners in your District?

7 A. Gosh. How many I have had? I -- I -- it is hard
8 to estimate right now. It is something that I started
9 in the last six months. They are -- they are asking us
10 to send our new hires to a Second Sip. We attempt to do
11 it in a different format, but due to COVID, we couldn't
12 do it, so I have done probably thirty.

13 Q. Okay, and about how many -- about how many times
14 have you -- have you had -- I am going to call them
15 office hours, but it -- we saw the exhibit with the QR
16 Code.

17 A. Yes. Yes. That one -- again, there has been
18 different formats to it over the many years. I -- are
19 you asking how many times I have done that?

20 Q. Yeah.

21 A. Oh, okay.

22 Q. Yeah, just approximately.

23 A. Approximately -- the most recent format was
24 probably twenty times, and prior to that, I was doing
25 office hours in the stores where I would just be

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 available to any person in the store. So, that I can't
2 approximate, because I keep it on a weekly basis, so
3 however number that is over a year.

4 Q. Okay.

5 MR. QUINTO-POZOS: I think that is all I have. I
6 will pass the witness.

7 THE WITNESS: Thank you.

8 MR. QUINTO-POZOS: Thank you.

9 HEARING OFFICER SYKES: Does the Employer have any
10 follow-up?

11 MS. MEYER: Yeah, just a couple.

12 HEARING OFFICER SYKES: Okay.

13 MS. MEYER: I am ready, if you are.

14 REDIRECT EXAMINATION

15 Q. BY MS. MEYER: Susan, when did you start doing your
16 office hours?

17 A. I started those probably two years ago in terms of
18 a different format. So --

19 Q. Okay.

20 A. Again, it evolved because I wanted to make sure --
21 I was trying different ways of getting Partners to be --
22 to be available, so at times, it was in person in stores
23 in different times of the week, and then trying to use
24 the visual connection, because people are now more
25 comfortable with this format. So I started doing that.

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 So with the format, about six months.

2 Q. All right, and I think you said you have been doing
3 Second Sips for the last six months; is that correct?

4 A. Yes.

5 Q. Okay, and then how frequently do you hold Second
6 Sips?

7 A. I -- I -- I was doing them once a week, and then we
8 asked to do more often to accommodate the Partners'
9 availability, so I had two slots available on
10 Wednesdays, for the new hires.

11 Q. And that was with just one new Partner at a time;
12 it is a one-on-one conversation?

13 A. No --

14 Q. Or do you do multiple?

15 A. Multiple Partners. It's whoever can -- I tried to
16 make it as easy as possible to meet new hires. And
17 then, in addition, I do my Second Sips where I am in the
18 store and I start to talk to new hires and get to know
19 them better in those conversations, which are
20 authentically the Second Sip time, as well.

21 Q. And earlier, the Union's Counsel was asking you
22 some questions about, you know, drive-through stores
23 versus cafés, versus pick-ups, and I believe you said,
24 you know, each store has the same positions; is that
25 right?

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 A. Yes.

2 Q. And so, in those positions, do Partners have the
3 same -- do they perform the same tasks --

4 A. Yes.

5 Q. -- do they make drinks the same way?

6 A. Yes.

7 Q. All right, and can a Partner who has a drive-
8 through store as their home store, can they work at the
9 pick-up store?

10 A. Yes.

11 Q. And can a Partner from a pick-up store work at the
12 drive-through store?

13 A. Yes.

14 Q. And what about the café stores? Can --

15 A. Yes.

16 Q. -- Partners who work at café stores work at either
17 pick-up or drive-through?

18 A. Yes.

19 Q. And has the District taken any particular steps to
20 make sure the Partners are able to work at all different
21 types of stores?

22 A. Yes. Yes. So, we had -- a fortunate but
23 unfortunate situation during COVID when we closed all of
24 the cafés, and we were able to provide employment to
25 Partners who were worked in cafés, so they all-- so they

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 were all at the drive-through, and we did train them on
2 how to do -- they were given the opportunity to learn
3 more about how to operate in a drive-through. So, it
4 was just a short amount of time, but that gave them an
5 opportunity to learn more about drive-throughs.

6 Q. And you were also asked some questions about
7 discussions you had with a Store Manager regarding a
8 particular Partner, Lillian; is that correct?

9 A. Yes.

10 Q. And so, what -- what was the reason for you getting
11 involved in those discussions with the Store Manager, or
12 how were you involved in those discussions?

13 A. Sure. There were some performance concerns about
14 that -- about the Baristas, and how they were
15 interacting with customers and Partners, as well as some
16 policy violations.

17 Q. And so, did -- did you intervene or did the Store
18 Manager reach out to you? How did that come about that
19 you were involved?

20 A. They reached out for support, like a lot of
21 managers do. "Hey, I need some support in this
22 conversation." "What are your recommendations?" "Can
23 you support me on how I should or I shouldn't help that
24 Partner so that they understand how they need..."

25 So it could be documenting or sitting down with the

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 Partner. They did reach out for support, and that is
2 what that looks like.

3 Q. And that was the former Store Manager of the
4 petitioned-for store?

5 A. Correct.

6 Q. Okay. You ewer also asked some questions about
7 different Austin events can affect a store like a
8 football game.

9 A. Yes.

10 Q. And you said that even, you know, a football game,
11 that can impact all of the stores in your District.

12 A. Yes.

13 Q. How -- how -- can you tell me more about how stores
14 who are necessarily on -- as close to the UT campus are
15 still affected?

16 A. Right. Right.

17 So people who come to the game are a lot of alumni,
18 so they stay in the hotels in Downtown Austin. They
19 bring like friends and family. So we do see an uptick
20 whenever there is an event on the UT campus, and
21 absolutely in Downtown Austin, because we see them all
22 wearing their T-shirts and all of their -- all of their
23 gear to take part at UT. And, so it does impact our
24 team, and it is a conversation that will -- "Hey, this
25 is happening in the UT campus. Be aware that it is

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 happening," so that everyone knows why we are going to
2 get busier.

3 Q. All right, and do other stores outside from the UT
4 campus store get involved in planning or preparing for
5 those events?

6 A. Yes.

7 Q. And how do they assist the impacted stores?

8 A. They -- if there is a need to support, we will try
9 and send Partners to support, as well.

10 Q. And I think you testified that that might be a
11 situation where, you know, the Store Manager knows of
12 events that are coming up, and they may deviate from the
13 labor hours in their forecast?

14 A. Uh-huh.

15 Q. And do they need approval to deviate from that
16 forecast?

17 A. They -- we would have a conversation to understand
18 like why we would put an additional Partner on. As long
19 as they have a reason why, and that we have, "Hey, let's
20 add this and take a business risk and see if we need
21 this extra labor and if we can afford it," and if there
22 is a trend to support, but most of the time, if they let
23 -- if they put the extra labor on, so that we can
24 support the team.

25 MS. MEYER: No further questions for me.

1 HEARING OFFICER SYKES: Anything else?

2 MR. QUINTO-POZOS: And none from me either.

3 HEARING OFFICER SYKES: Okay, I just have a few
4 questions.

5 THE WITNESS: Sure.

6 EXAMINATION BY THE COURT

7 HEARING OFFICER SYKES: There was some testimony
8 about transfers, given the -- to help with the
9 workforce, and --

10 MS. MEYER: You --

11 MR. RAHHAL: You keep -- you keep -- you keep going
12 in and out.

13 HEARING OFFICER SYKES: Oh, sorry.

14 *[Inaudible - muted]*

15 MS. MEYER: Yeah, you are back on mute now.

16 HEARING OFFICER SYKES: Okay, I think it is because
17 I had something on my spacebar.

18 I don't know how much you heard, but my question
19 was about transfers. You had testified about, because
20 of the make-up of the employees, you know, maybe a lot
21 of students -- there could be a lot of students, but
22 there are a lot of transfers within your District. You
23 mentioned 25 to 50 percent of employees transfer at some
24 point. Was that specific to Store 6284, or would that
25 statistic be for the whole District, as well?

1 THE WITNESS: I would say like the majority of the
2 stores surrounding the University, so 6284, the pick-up
3 store, as well as there are two other stores that are
4 near by. They would have a higher percentage, but my
5 other locations are often near other universities like
6 St. Ag, and they also have a high percentage of
7 transfers.

8 HEARING OFFICER SYKES: And are these transfers
9 voluntary or are they involuntary?

10 THE WITNESS: Yeah.

11 HEARING OFFICER SYKES: They are voluntary?

12 THE WITNESS: Yes. There are no involuntary
13 transfers.

14 HEARING OFFICER SYKES: Okay. And are these
15 transfers permanent or temporary?

16 THE WITNESS: It could be temporary. They could
17 put in a transfer to come back to Austin at the end of
18 the summer, for example.

19 HEARING OFFICER SYKES: And it -- is it -- is it
20 pretty common that, for instance, a student that, you
21 know, they went to Dallas and they transferred to a
22 Dallas Starbucks, and then they come back for the next
23 semester, is it pretty common that they are going to be
24 brought right back in?

25 THE WITNESS: Yeah, it is common, but it is all

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 depending on staffing needs, and the staffing needs at
2 the store.

3 So, I -- if I can share a little more about the --
4 about that.

5 So, currently, we are in the process of determining
6 -- like the semester is about to end, I think in mid-
7 May, the school gets out, so we are in the process of
8 the store obtaining transfers for Partnering at 6284, as
9 well as other stores. It takes about -- you know, we
10 ask for about sixty days since that would hopefully get
11 them the best opportunity to find -- to have a store
12 that has hours for them on the other side. So the
13 longer they wait to request a transfer, the potential to
14 not get a store that has the business needs for them, it
15 gets smaller and smaller, so many students may be coming
16 back to that location.

17 So, to answer your question, it all depends on the
18 basic needs of the store whether or not we can receive
19 that Partner, as well as having them in good standing.
20 So, if they have a corrective action or a final, they
21 actually are not eligible to transfer.

22 HEARING OFFICER SYKES: I see. And if, for
23 instance, they transfer outside of the District, and
24 when I say "outside of the District," meaning maybe to a
25 different area; for instance, Dallas, Houston, Fort

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 Worth, would their pay or other conditions of employment
2 change when they go to --

3 THE WITNESS: Yeah, the -- the pay may change
4 because of the market, but all of the other things would
5 stay the same.

6 HEARING OFFICER SYKES: And -- and would you say --
7 what percentage of these transfers would you say are
8 outside of the District?

9 THE WITNESS: Oh, most of them.

10 HEARING OFFICER SYKES: Most of them? Okay.

11 THE WITNESS: Yeah. Yeah.

12 HEARING OFFICER SYKES: So these aren't situations
13 where they are going to the thirteen stores in that
14 four-mile radius. They are going somewhere else?

15 THE WITNESS: Outside, yes.

16 HEARING OFFICER SYKES: Okay.

17 THE WITNESS: Yes.

18 HEARING OFFICER SYKES: And what is the procedure
19 for when these employees go to transfer outside of the
20 District if they want to come back to --

21 THE WITNESS: Yeah. Same procedure. They get a
22 Transfer Request Form. They fill it out. They present
23 it to the Store Manager. Their Store Manager would sign
24 it and approve it. They send it to the District
25 Manager, and the District Manager then will send it to

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 me, and then we determine that that location for them,
2 depending on the business needs, as well as like where
3 they prefer, or where they can get to.

4 So we try to hear where they are, as well as what
5 hours they can work, their availability, and what can
6 fit with our business needs.

7 HEARING OFFICER SYKES: Do you know what
8 percentage, approximately, of these employees that come
9 back, do they -- what percentage go to the same store
10 within the District that we are talking about? Like --

11 THE WITNESS: Well, okay. That is a difficult
12 question to answer because this whole process really
13 started moving again last summer. So we are -- because
14 of COVID.

15 The University was closed, the campus was shut down
16 for many -- for probably, I guess, a couple of
17 semesters. They were all virtual. So it's -- it is
18 going to be interesting to see...

19 I'm sorry, what was your question again?

20 HEARING OFFICER SYKES: Oh, I guess, maybe the
21 easier way to ask it, would you say the majority of the
22 Partners who temporarily transfer outside of the
23 District, but then come back, would you say the majority
24 of them go back to the same store that they worked at
25 before?

1 THE WITNESS: I -- I would say so, but a lot of
2 times they change their plan on the other end. They
3 stay home or they decide to go virtual, or they move to
4 a different part of the city and work in another
5 location.

6 HEARING OFFICER SYKES: Okay.

7 And do -- I mean, do these employees, or these
8 Partners that transfer, do they -- unless they have some
9 sort of disciplinary action that you mentioned, is it
10 kind of an expectation that they will be allowed to come
11 back to their store when they come back for, you know,
12 maybe for the summer, or come back for a new semester?

13 THE WITNESS: Expectation for them, or?

14 HEARING OFFICER SYKES: Well, yes. I guess I can't
15 really ask what you believe -- well, I mean, is it -- is
16 it pretty much guaranteed that they will be able to come
17 back if they don't have some sort of, you know,
18 disciplinary action that you had mentioned?

19 THE WITNESS: Again, it depends on the business
20 needs of --

21 HEARING OFFICER SYKES: Okay.

22 THE WITNESS: -- the store, yeah.

23 And even in the summer, we are going to be looking
24 for talent as we -- as we don't need to be prepared
25 before the semester starts, so -- and we want to make

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 sure that the store is supportive and the Partners are
2 supportive, and as well, what I will mention, is that
3 the students, depending on the semester, their
4 availability changes.

5 HEARING OFFICER SYKES: Uh-huh.

6 THE WITNESS: So, it is quite interesting to build
7 a schedule based on all of the availability changes of
8 the Partners and based on their school, like while they
9 are at school.

10 So we absolutely try to accommodate as much as
11 possible in terms of their school needs.

12 HEARING OFFICER SYKES: Yeah, and that brings up
13 another question.

14 As far as when they are discussing their semester
15 schedule or obligations, is that a discussion they have
16 with the Store Manager or do they have it with you?

17 THE WITNESS: Yeah, the Store Manager.

18 HEARING OFFICER SYKES: Okay.

19 *[Long pause]*

20 HEARING OFFICER SYKES: You had mentioned certain
21 bonuses. There was a Partner of the Quarter, and --

22 THE WITNESS: Yes.

23 HEARING OFFICER SYKES: Who decides among -- for
24 instance, the store at issue here, who decides who is
25 the Partner of the Quarter?

1 THE WITNESS: The Partners themselves.

2 HEARING OFFICER SYKES: Okay. And -- so it is only
3 the Partners at that particular store who vote on that?

4 THE WITNESS: Correct.

5 HEARING OFFICER SYKES: And is it basically -- does
6 the Store Manager have any say in what the vote is, or
7 can they override a vote?

8 THE WITNESS: No, no. They go with the vote.

9 HEARING OFFICER SYKES: Okay. And I just had a
10 question about the hiring fairs.

11 So was it your testimony that this hiring fair was
12 kind of brought on because of a labor shortage during
13 that period of time?

14 THE WITNESS: So, the flyers that we had, there was
15 a lot of focus on anticipation of on-campus coffee, and
16 students returning to campus following the COVID
17 regulations and having a greater population. So, we
18 were gearing up to support the business needs once
19 school started.

20 Is that what you --

21 HEARING OFFICER SYKES: Yeah. Thank you.

22 And I don't know if you would know this, but -- so
23 the -- on our Board's Exhibit 2, we break down how many
24 employees are at a store, and you know, we have 37
25 Baristas, 7 Shift Supervisors, so of the -- of those

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 employees that is 37 Baristas and 7 Shift Supervisors,
2 do you know how many of those would have been hired from
3 the hiring fair, as opposed to other methods?

4 THE WITNESS: So, I would say -- and you know, I
5 would have to go through them, but a lot of them were
6 transfers, and there are probably a few from hiring
7 fairs, but again, as I mentioned, when we do the hiring
8 fairs, they are for the whole District, and then
9 probably, as well as other hiring methods that we had
10 through our Taleo system.

11 HEARING OFFICER SYKES: And when you say
12 "transfer," what do you mean by that?

13 THE WITNESS: They transferred to the store from
14 another market.

15 HEARING OFFICER SYKES: And would this -- do you
16 believe this would be a situation where they discussed
17 the students who had transferred to another store out of
18 the market back, or --

19 THE WITNESS: Right, or they are -- or they were
20 off campus for their freshman year, working in a
21 Starbucks in their hometown, and now they are able to
22 come to campus and do school in person, and they are now
23 transferring to Austin.

24 HEARING OFFICER SYKES: I see.

25 THE WITNESS: That is a very typical situation that

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 we have had in the last year.

2 *[Long pause]*

3 HEARING OFFICER SYKES: I don't think I have any
4 other questions.

5 Does anybody else have any other questions?

6 MS. MEYER: I don't have any follow-up.

7 HEARING OFFICER SYKES: Okay.

8 MR. QUINTO-POZOS: Neither do I.

9 HEARING OFFICER SYKES: Okay, well, hearing no
10 other questions, Ms. Nixon, you are excused for the day,
11 and thank you for --

12 THE WITNESS: Thank you.

13 HEARING OFFICER SYKES: -- coming.

14 MR. QUINTO-POZOS: Thank you.

15 THE WITNESS: Thank you.

16 *[Witness excused]*

17 HEARING OFFICER SYKES: So, I guess -- is this a
18 good time to take a lunch break, and then we can start
19 with the Union's witnesses?

20 I guess we need, maybe when we come back, the
21 Employer to enter in their exhibits.

22 MR. RAHHAL: We can get those sent out and
23 admitted.

24 HEARING OFFICER SYKES: Sounds good.

25 MR. RAHHAL: How long do we want?

1 HEARING OFFICER SYKES: It is up to you guys?

2 MR. RAHHAL: Manuel, do you have an estimate of how
3 many witnesses and how long we might be into the
4 afternoon? Are you going to finish today, or is this
5 going to spill over into tomorrow?

6 MR. QUINTO-POZOS: I think -- I believe we will
7 have two witnesses, and we should be able to finish
8 today. It might take an hour each, give or take a
9 little bit.

10 HEARING OFFICER SYKES: Are we off the record?

11 THE COURT REPORTER: No, sir.

12 HEARING OFFICER SYKES: Oh, sorry.

13 Let's go off the record.

14 *[Off the record*

15 *Lunch 12:00-12:30]*

16 HEARING OFFICER SYKES: Okay.

17 THE COURT REPORTER: We are on.

18 HEARING OFFICER SYKES: Thank you.

19 MR. RAHHAL: Are we good?

20 HEARING OFFICER SYKES: Yeah, we are on the record.

21 MR. RAHHAL: Okay.

22 HEARING OFFICER SYKES: Do we need to go off to
23 give you some --

24 MR. RAHHAL: No, no. I was just going down the
25 stip, looking at it.

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 I guess, at this time, the Employer would like to
2 offer and have admitted the interchange data which is
3 reflected in Employer's Exhibit 1(a) through 1(f).

4 HEARING OFFICER SYKES: Okay.

5 **(Employer's Exhibit 1(a) through 1(f), marked for**
6 **identification.)**

7 MR. QUINTO-POZOS: No objection.

8 HEARING OFFICER SYKES: Hearing no objection,
9 Employer's Exhibit 1(a) through 1(f) is entered into
10 evidence.)

11 **(Employer's Exhibit 1(a) through 1(f), received into**
12 **evidence.)**

13 MR. RAHHAL: At this time, the Employer would like
14 to offer and have admitted the CD of Dr. Abby Turner,
15 which has been identified as Employer's Exhibit 2.

16 **(Employer's Exhibit 2, marked for identification.)**

17 MR. QUINTO-POZOS: No objection.

18 HEARING OFFICER SYKES: Hearing no objection,
19 Employer's Exhibit 2 is entered into evidence.

20 **(Employer's Exhibit 2, received into evidence.)**

21 MR. RAHHAL: The Employer would like to offer and
22 have admitted the graphic depictions which have been
23 prepared by Dr. Abby Turner, and are reflected in
24 Employer's Exhibit No. 3.

25 **(Employer's Exhibit 3, marked for identification.)**

1 MR. QUINTO-POZOS: No objection.

2 HEARING OFFICER SYKES: Hearing no objection,
3 Employer's Exhibit 3 is admitted into evidence.

4 **(Employer's Exhibit 3, received into evidence.)**

5 HEARING OFFICER SYKES: And, at this time, the
6 Petitioner can present their first witness.

7 Is it Lillian Allen, your first witness?

8 MR. QUINTO-POZOS: Lillian, yes.

9 HEARING OFFICER SYKES: Okay, thank you.

10 I know you have been observing, so you have
11 probably heard the instructions, but just make sure to
12 give a verbal response, and if anybody objects to a
13 question, you know, let -- let me rule on the objection
14 before you answer, and if you don't understand the
15 question, you know, tell -- tell the person asking that
16 question, that you don't understand it.

17 So if you will raise your right hand?

18 (Whereupon,

19 **LILLIAN KEIRSTEN ALLEN**

20 having been sworn/affirmed, was called as a witness
21 herein, and was examined and testified via video-
22 conference, as follows:)

23 HEARING OFFICER SYKES: Thank you.

24 Okay, you can start your questioning.

25 MR. QUINTO-POZOS: Thank you.

1 DIRECT EXAMINATION

2 Q. BY MR. QUINTO-POZOS: Could you state your full
3 name for the record?

4 A. Lillian Keirsten Allen.

5 Q. And how do you spell the middle name?

6 A. K-e-i-r-s-t-e-n.

7 Q. And where are you employed?

8 A. I am employed at Starbucks 6284.

9 Q. Is that -- can we call that the 24th Street
10 Starbucks?

11 A. Yes.

12 Q. Okay. Is that your home store?

13 A. Yes.

14 Q. Have you had another home store before that?

15 A. Yes.

16 Q. Where?

17 A. That was the Exposition Westover Store in Casis
18 Village. That is in District 622.

19 Q. And how do you spell Casis Village?

20 A. C-a-s-i-s, V-i-l-l-a-g-e

21 Q. Okay, thank you.

22 And you said that is in a different District?

23 A. Yes, but it is --

24 Q. Okay.

25 A. -- still in Austin.

1 Q. Okay. What is the District number?

2 A. 622 for that one, 635 for this one.

3 Q. Okay, perfect.

4 And have you had another home store besides these
5 two?

6 A. No.

7 Q. Okay, and overall, how long have you been a
8 Starbucks employee?

9 A. I have been a Starbucks employee for three years
10 and eight months.

11 Q. Okay. Aside from the -- these two stores, have you
12 worked at other stores?

13 A. Yes, as a borrowed Partner.

14 Q. Have you worked at stores as a borrowed Partner
15 outside of District 635?

16 A. Yes. I have worked at 22 stores in District 635
17 and 622, and maybe another one down south, but I am not
18 sure. I am not sure of all of the Districts.

19 Q. Why have you worked at those other stores?

20 A. Because I am available to do so. I have a personal
21 vehicle that allows me to commute to other stores, and
22 because sometimes, if I would like to have the amount of
23 hours that I would like to have, to make the amount of
24 money that I need to make to pay my bills, I need to
25 pick up shifts at other stores.

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 Q. All right, and how are you scheduled to work at
2 other stores?

3 A. How am I scheduled to work at other stores?

4 I am -- if a store needs help for a longer-ish
5 period of time, then I will be loaned in the system as a
6 borrowed Partner to that store, so that I can clock in
7 and out on that store's electronic systems. If it is a
8 sort of emergency situation where a store is reaching
9 out for coverage in the moment, then I can go to that
10 store and I can clock in and out in the Daily Records
11 Book, and that is less of a -- that is less of a pre-
12 meditated scheduled thing, and more emergency coverage.

13 Q. Okay. What degree of choice to do you have to work
14 at stores other than your home store?

15 A. It is always with my consent. Sometimes there is a
16 little bit of pressure, just -- just like, "This store
17 really needs help," or -- but if -- if I -- I never have
18 to work at another store, I don't have to if I don't
19 want to.

20 Q. And have you ever turned down a request at another
21 store?

22 A. Yes, once or twice.

23 Q. Did you suffer any consequences?

24 A. No.

25 Q. Let's talk about you being hired, the process to

1 get hired.

2 How did you apply to work at Starbucks?

3 A. I applied to work at Starbucks through
4 starbucks.com/careers.

5 Q. Okay, and what happened after you applied?

6 A. So, after I applied, I was e-mailed. I received an
7 e-mail from the manager of the store that I applied to,
8 to come in for an interview in person.

9 This was in 2018.

10 Q. And did you interview?

11 A. Yes.

12 Q. Okay, and who interviewed you?

13 A. Amanda Ramsdell, the -- the -- she was the then
14 Acting Manager at that store.

15 Q. And how -- I'm sorry, how do you spell her last
16 name, please?

17 A. R-a-m-s-d-e-l-l. She is the current Manager at
18 45th and Lamar.

19 Q. Was the District Manager at your interview?

20 A. No.

21 Q. Was there another Store Manager at your interview
22 besides Amanda?

23 A. No.

24 Q. And subsequent to your interview, did you get an
25 offer?

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 A. Yes. Yes, I was contacted later.

2 Q. Okay. And then, when you started working at
3 Starbucks, did you have some kind of orientation?

4 A. Yes, we did the First Sip, just me and Amanda.

5 Q. And was the District Manager there?

6 A. No.

7 Q. And what about another Manager?

8 A. No.

9 Q. Okay.

10 [Long pause]

11 Q. So let's talk about your time at the 24th Street
12 store.

13 Who -- who makes the schedule for that store?

14 A. The Store Manager or when we have an Assistant
15 Store Manager, sometimes it is just the Store Manager.
16 We currently do not have an Assistant Store Manager.

17 Q. And does -- the -- the Store Manager right now is
18 Jill Benton; is that right?

19 A. That is correct.

20 Q. And who was the Manager before Jill?

21 A. We had an -- before her...

22 We had an Interim Manager who was also the Manager
23 at 15th and San Antonio. Her name is Tiffany Roberts.
24 She was acting as the Interim Manager, and prior to
25 that, our permanent Store Manager was Samantha Williams.

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 Q. And you may have heard testimony earlier, that
2 there was a -- that the schedules come out three weeks
3 in advance. Did you hear that?

4 A. That is -- it -- that is company policy. I can't
5 remember if we discussed that here, but, yes.

6 Q. Okay.

7 A. That is -- that is when they are supposed to come
8 out.

9 Q. Okay. And is that your experience at the 24th
10 Street Starbucks?

11 A. Technically there are posted schedules that are
12 printed out three weeks in advance sometimes, but these
13 rarely reflect what really ends up being the schedule.
14 Our schedule has a tendency to be edited during the week
15 that is currently happening for that week in more ways
16 than are reflected of just call-outs or people swapping
17 shifts. There are adjustments made to the schedule as
18 the week is progressing, in my experience.

19 Q. And was that the case under Tiffany Roberts?

20 A. No.

21 Q. And what about under Samantha, before her?

22 A. Samantha struggled with having a schedule posted
23 out three weeks in advance, but she would at least have
24 the schedule posted for the current week. She would get
25 it posted on the weekend, and then for that next week,

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 we would have a solid schedule.

2 Q. Okay, and -- okay, now, once you are on the
3 schedule, is there a way to -- to get off the schedule
4 for a particular day?

5 A. If -- if you want to have a day off, requests for
6 time off are to be submitted through the -- the -- the
7 Partner Hours Scheduling Tool, three weeks in advance,
8 and then must be approved by the Store Manager. If you
9 want to get off of the schedule, that is already within
10 the three-week period, after having already been
11 scheduled, you must find coverage for the scheduled
12 shifts, or if it is an emergency, then it falls to the
13 Store Manager to find coverage.

14 Q. Okay, and you said if it is -- if it is less than
15 three weeks, you are supposed to find coverage. How do
16 you do that?

17 A. You ask your fellow Partners at the store, "Hey,
18 can anyone cover this shift," and if no one can, then
19 you can reach out to other stores in the District.

20 Q. And how do you go about asking others at the store
21 to pick up your shift?

22 A. By telephone, text message, verbal conversation, or
23 we have a store group chat that is called the Discord
24 Server. We usually ask on the store Discord Server.

25 Q. Okay. And once you find someone to take your

1 shift, what happens after that?

2 A. Then we notify the Manager, and she must approve
3 the swap.

4 Q. And when you say she must approve the swap, what do
5 you mean by that?

6 A. Within the system, she -- she will transfer -- what
7 is supposed to happen is, she is supposed to transfer --
8 like if I was working a 4:00 to 9:00 on a Thursday, and
9 I couldn't make it because of whatever reason, and --
10 but my co-worker, Anche [*Phonetic*] could, then she would
11 transfer it so that I would no longer be on the schedule
12 for that 4:00 to 9:00, and then Anche would be on the
13 schedule for then.

14 Q. Okay, and does the District Manager have
15 involvement in the approval process, to your knowledge?

16 A. No.

17 MR. RAHHAL: Objection to the extent it calls for
18 speculation, but to her knowledge.

19 HEARING OFFICER SYKES: Okay.

20 Q. BY MR. QUINTO-POZOS: Okay, now you said that you -
21 - correct me if I am misquoting you, but I think you
22 said that you -- that you could text with other Partners
23 at the store, you could verbally ask them, you have this
24 Discord -- that is a program; is that right?

25 A. Yes.

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 Q. Okay. And these communications are with other
2 Partners at your store?

3 A. Yes.

4 Q. Okay, and then you said if you were not able to
5 find coverage within your store, then you can look
6 outside your store; is that right?

7 A. Yes.

8 Q. All right.

9 A. It is usually more logistically practical to seek
10 within our store first.

11 Q. Okay, so these -- well, let's start with the
12 Discord program.

13 Are -- are you connected with Partners at other
14 stores through this Discord?

15 A. No. Our store has its own Discord Server.

16 Q. Okay. And so, how would you go about contacting
17 Partners at other stores for coverage?

18 A. Most of the time it is to by using physical phones
19 in the physical stores, and to ask for the Shift Leader
20 on duty, or the Manager, and to ask them to write in the
21 Daily Records Book, or to put out in their store's group
22 chat, a message saying, like, "Hi, Lillian Allen from
23 Store 6284 is looking for coverage for this shift.
24 Reach out to her," and then it would put my phone
25 number. That is usually a common -- a pretty common way

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 of reaching out to other stores.

2 If you have worked at other stores before like I
3 have, and you have the Store Manager's phone numbers,
4 you can sometimes reach out to them directly, and like,
5 "Hey, does anyone at your store -- would anyone at your
6 store be able to cover XYZ?"

7 Q. Okay. And do you know if other stores have a
8 Discord Server for their stores?

9 A. I don't know if other stores have Discord Servers.
10 I know that each store usually has its own individual
11 group text or Group Me, or some form of group chat with
12 all of the Partners for that store, in their group
13 message system.

14 Q. And are you in some other stores' group text or
15 Group Me, or Discord Servers?

16 A. No.

17 Q. Is the District Manager in the Discord Server?

18 A. No.

19 Q. Let's talk a little bit about performance
20 evaluations or performance reviews.

21 A. Okay.

22 Q. Who does that for Baristas and Shift Supervisors?

23 A. Their Store Manager.

24 Q. Does the District Manager -- have you had a -- are
25 those the PDC's?

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 A. Performance and Development Conversations, yes.

2 Q. Okay, have you had PDC's?

3 A. A couple.

4 Q. Okay. Who did those for you?

5 A. The Store Manager, and in one case, the Assistant
6 Store Manager was there also.

7 Q. All right. Has the District Manager been at your
8 PDC's?

9 A. No.

10 Q. All right. Who is in charge, or who is involved,
11 in -- in imposing discipline on Baristas and Shift
12 Supervisors?

13 MR. RAHHAL: Object to the extent it calls for
14 speculation.

15 HEARING OFFICER SYKES: To your knowledge.

16 THE WITNESS: To my knowledge and experience,
17 usually the Store Manager.

18 Q. BY MR. QUINTO-POZOS: Okay, have you ever been
19 disciplined?

20 A. Yes.

21 Q. And how -- how many times?

22 A. Oh --

23 Q. It can be approximate.

24 A. About four or five.

25 Q. Okay, and for your discipline, who -- who

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 disciplined you? I am sorry if I already asked you
2 that.

3 MR. RAHHAL: Object as to vague and calls for
4 speculation.

5 Do you mean, who gave her the discipline?

6 MR. QUINTO-POZOS: Well, I guess if she understood
7 the question.

8 Paul, do you need me to respond to that?

9 HEARING OFFICER SYKES: *[Inaudible - muted]*

10 MR. QUINTO-POZOS: Yeah, I think you are muted.

11 HEARING OFFICER SYKES: I'm sorry.

12 You know, I guess as long as the *[Audio*
13 *interruption]*

14 It keeps happening.

15 MR. RAHHAL: You are hitting your keyboard, Paul.

16 HEARING OFFICER SYKES: Okay, I guess it is -- as
17 long as the question is targeted towards the personal
18 experiences that -- yeah, I would allow that.

19 MR. QUINTO-POZOS: Okay.

20 Q. BY MR. QUINTO-POZOS: Lillian, did you understand
21 my question?

22 A. Yes.

23 Q. Okay, so go ahead.

24 A. When I have received disciplinary action at
25 Starbucks in the format that is documented as official

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 disciplinary action, it is always -- it has always been,
2 in my experience, from the Store Manager or Acting Store
3 Manager at that time.

4 Q. Has the District Manager been involved in
5 discipline that you have had, to your knowledge?

6 MR. RAHHAL: I object to the extent it calls for
7 speculation.

8 HEARING OFFICER SYKES: I mean, I will overrule it,
9 because it was to her knowledge, so I guess she can
10 answer about her own experience.

11 THE WITNESS: The District Managers under which I
12 have worked have never been present at any of my
13 disciplinary action conversations.

14 Q. BY MR. QUINTO-POZOS: Okay, have you ever had a
15 disciplinary conversation or discussion with a District
16 Manager?

17 A. No.

18 Q. Has Jill Benton disciplined you?

19 A. Yes.

20 Q. Okay, and what was the first time she disciplined
21 you?

22 A. Her very first day. I received a Final Written
23 Warning for "tone of voice."

24 Q. Okay, and when did the incident occur that resulted
25 in the discipline?

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 A. This was in response to a conversation that took
2 place between myself and Day Shift Supervisor, in the
3 back-of-house, and not in customer view, and it was not
4 a conversation in which she herself was a participant.
5 It was just simply -- it was just a conversation that
6 she took -- that she witnessed, and took issue with the
7 tone of.

8 Q. Okay. And how much time happened between that
9 incident and the discipline?

10 MR. RAHHAL: Okay, I am going to this line of
11 questioning about what this relevance is to whether or
12 not a single store or a District is the appropriate
13 bargaining unit.

14 HEARING OFFICER SYKES: Well, I can let the
15 Petitioner -- I mean, I would overrule the objection. I
16 assume the Petitioner is seeking to get testimony on
17 Store Manager's involvement in discipline, which is
18 relevant to store autonomy, so, you know...

19 I will let you continue.

20 MR. QUINTO-POZOS: Thank you.

21 Q. BY MR. QUINTO-POZOS: Go ahead.

22 A. I would say about fifteen or twenty minutes.

23 Q. Okay, and to your knowledge, did -- was the
24 District Manager there?

25 A. She was not present, no.

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 Q. Okay, and did -- did you speak to the District
2 Manager?

3 A. No.

4 Q. And did Jill tell you that she spoke to the
5 District Manager?

6 A. No.

7 Q. All right, and did Jill indicate to you in some way
8 that the District Manager played any role in the
9 discipline?

10 A. No. There was nothing indicated to me.

11 Q. If there is a conflict between two Baristas or
12 between a Barista and a Shift Supervisor, who are they
13 supposed to go to?

14 A. Between two Baristas, you can go to your Shift
15 Supervisor, or your Store Manager, and between a Barista
16 and a Shift Supervisor, you go to your Store Manager or
17 your Assistant Store Manager, if you have one.

18 Q. To your knowledge, can a District Manager fire a
19 Barista?

20 MR. RAHHAL: Object to the extent it calls for
21 speculation.

22 HEARING OFFICER SYKES: Yeah, I mean, I guess that
23 would be speculation, but I guess you could ask, and you
24 know, it will be given the appropriate weight, and then
25 it can also be addressed on cross examination.

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 MR. QUINTO-POZOS: Okay.

2 Q. BY MR. QUINTO-POZOS: Go ahead.

3 A. In my experience, a District Manager cannot
4 directly fire a Barista or a Shift Supervisor, without
5 getting input from the Store Manager.

6 Q. And why -- what is your basis for thinking that?

7 A. Because I have never witnessed a separation of a
8 Partner that did not involve some input from the Store
9 Manager, and because I know that there is a system in
10 place to safeguard Partners in the event of separation,
11 that it is not just a decision by the Store Manager or
12 just a decision by the District Manager. It is a
13 process involving input from the Store Manager, the
14 District Manager, and the, I believe, Partner Care --
15 the Partner Care Officer, or Partner Care Consultant.
16 It is Partner Care something.

17 Q. Okay. Thank you.

18 A. Partner Care Team.

19 Q. Thank you.

20 Has there been a time that you have been told by a
21 Manager something about being terminated?

22 A. I --

23 Q. Yourself.

24 A. Huh?

25 Q. Yourself.

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 A. I have been told by former Manager Samantha
2 Williams, that District Manager, Susan Smith-Nixon
3 wanted her to write me up and then write me up again,
4 and then fire me, and that she refused.

5 Q. Okay, and did the District Manager talk to you
6 about that?

7 A. No.

8 Q. Okay.

9 [Long pause]

10 Q. Now, you -- you have worked at -- you worked at
11 different stores, I think you said 22 different stores;
12 is that right?

13 A. Yes.

14 Q. Do -- do the -- in your experience, do the
15 different stores where you worked have a different, I
16 don't know, level of business or how busy they are?

17 A. Yes.

18 Q. Okay. And is there a -- is there an official
19 Starbucks label for that?

20 A. Yes. There are all different tiers based on the
21 kind of business that each store does. The tiers are
22 Ristretto, Tall, Grande, and Venti.

23 Q. Can you repeat the first one? I'm sorry. You --
24 it came across a little bit choppy.

25 A. Ristretto, R-i-s-t-r-e-t-t-o. It is named after a

1 kind of an espresso shot.

2 Q. Okay. And the others were Tall, Grande, and Venti,
3 is that right?

4 A. Uh-huh.

5 Q. Sorry, can you answer verbally "yes" or "no?"

6 A. Yes.

7 Q. Okay, thank you.

8 And -- and what is the 24th Street location
9 classified as?

10 A. Yes, I believe that we are classified as a
11 Ristretto store.

12 Q. And is that the -- on the low end or the high end
13 of the business level, or level of sales or whatever?

14 A. It is on the lower end of sales. It is not
15 necessarily the most accurate model of our store.

16 Q. Why do you say that?

17 A. I say that because the way our store works, the --
18 the models are -- the stores are sorted into model
19 categories based on how they do throughout the fiscal --
20 the entire fiscal year, and our store blows sales and
21 labor out of the water in three-quarters --

22 MR. RAHHAL: And I am going to object.

23 THE WITNESS: Okay.

24 MR. RAHHAL: Lack of foundation and --

25 THE WITNESS: All right.

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 MR. RAHHAL: There is no -- there has been
2 absolutely no foundation laid that this witness knows
3 the --

4 HEARING OFFICER SYKES: You could ask she knows
5 about these designations, or where --

6 MR. QUINTO-POZOS: Thank you.

7 Q. BY MR. QUINTO-POZOS: What -- what -- Lillian, what
8 is your basis for -- let's start with, what is your
9 basis for knowing these official categories?

10 A. I know because I ask questions of Store Managers
11 and Assistant Store Managers, about the store system
12 works, and I ask questions like, "Why don't we get sent
13 the same kind of merchandize of maybe a busier drive-
14 through," and the answer is because we fall into the
15 Ristretto category, rather than a Tall, Grande, or Venti
16 category.

17 Q. And what is your basis for your understanding --
18 what is your basis for your understanding that these
19 classifications are based on a fiscal year basis?

20 A. Because I ask where the classifications came from,
21 and I was told that it was based on how we performed --
22 how a store performs throughout a fiscal year.

23 Q. And who told you that?

24 A. I have heard from a couple of Store Managers.
25 Store Manager -- Former Store Manager Samantha Williams,

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 Former Shift -- no, I think he is still a Shift
2 supervisor, but he is somewhere else, Brian Bigelow, and
3 I believe I asked -- I have asked some of these
4 questions about -- about sales performance and
5 categories to current Store Manager Jill Benton, and to
6 the current Store Manager at Barton Springs, Martin Vago
7 *[Phonetic]*.

8 Q. And what is the basis for your statement that the -
9 - the 24th Street Store "blows the sales out of the
10 water," during part of the year?

11 MR. RAHHAL: Objection; lack of foundation and
12 speculation, but I guess she can answer, based on what
13 her understanding is.

14 THE WITNESS: We do drive-through level business at
15 our café store. My source for that is the Shift
16 Supervisors have access to information on how many
17 transactions we do per half hour, and how many
18 transactions -- not how many transactions, but how much
19 money we make per day, and these numbers are comparable
20 to drive-throughs -- other drive-through stores in our
21 area, and other drive-through stores that our Shift
22 Supervisors have worked in previously.

23 Q. BY MR. QUINTO-POZOS: So, in your experience
24 working at various stores, is there -- is there a
25 different culture or vibe or feel, and I don't know what

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 you would categorize -- among the -- let's just start
2 with the workers.

3 MR. RAHHAL: I am going to object to the vagueness;
4 culture and vibe? According to who? I mean, I don't
5 even know what those terms mean.

6 HEARING OFFICER SYKES: I mean, I guess you could
7 ask -- if you can narrow down what you --

8 THE WITNESS: Would you accept the term "work
9 environment?"

10 HEARING OFFICER SYKES: Yeah, yeah, that would be
11 fair.

12 Yeah, so I would allow that.

13 MR. RAHHAL: And again, this is her view of the
14 work environment, because, Paul, as you know, everyone
15 could have a different view of their work environment.

16 For instance, Arrissa thinks her work environment
17 is very lax. I don't, but yet we work in the same work
18 environment. So...

19 HEARING OFFICER SYKES: Steve, are you still
20 objecting?

21 MR. RAHHAL: Yes.

22 HEARING OFFICER SYKES: Okay, well I didn't hear
23 the word "objection," and I just --

24 MR. RAHHAL: I will say it now.

25 Objection.

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 HEARING OFFICER SYKES: Okay, well, you are
2 overruled. I will allow the answer on "work
3 environment" from personal experiences at different
4 stores.

5 Q. BY MR. QUINTO-POZOS: Go ahead, Lillian.

6 A. All right. Yes, in my experience, work environment
7 does differ from store to store. This can manifest in -
8 - our store is very lucky in that we don't have a lot of
9 the animosity between morning crew and the night crew
10 that happens in a lot of the other stores.

11 We are somewhat -- we are somewhat -- we are
12 different from a drive-through store, in that you are
13 working in a drive-through store, and you are on a
14 headset, and everyone sort of has a mic, and -- that is
15 it adds a different feel to the store. It can -- it can
16 interfere with like -- it can make -- it can facilitate
17 communication, but it can also make for a somewhat
18 clique-ish feel between Partners, and between customers.
19 Sort of like there is an outsider and an insider
20 element, whereas in a café store, we are all sort of --
21 we are interacting face to face with everybody.

22 There is different -- there is a different culture
23 in a store, depending on how the Store Manager choses to
24 run it, whether they are on the floor actively involved
25 in store operations, or if they spend most of their time

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 in back-of-house, and just have sort of a latchkey kid
2 effect, where the Partners are taking a more active role
3 in running the store day to day.

4 Q. And have you experienced the different environments
5 that you just testified about?

6 A. Yes.

7 Q. How have you experienced that?

8 A. How have I experienced that?

9 I have experienced -- I have worked in stores with
10 Store Managers who are very involved and very hands-on,
11 and very for coaching in the moment, and who are an
12 active part of the play. I have also worked with Store
13 Managers who do a lot of their managing as non-coverage,
14 in back-of-house, and who sort of let the Shift
15 Supervisor fly the plane.

16 Q. Okay.

17 [Long pause]

18 Q. What is the work environment -- you said that you
19 worked at the Exposition location before? That was your
20 home store?

21 A. Yes.

22 Q. Was the work environment -- what was the work
23 environment there like?

24 MR. RAHHAL: I am going to object, Paul, just --
25 the relevance of this line of questions. Her personal

1 experiences and her personal beliefs to a work
2 environment at one store versus another; again, how is
3 that relevant to whether a single store or District-wide
4 --

5 MR. QUINTO-POZOS: I -- and can I - can I respond
6 to that?

7 HEARING OFFICER SYKES: Yes, let me get the
8 Petitioner's position.

9 MR. QUINTO-POZOS: The employees' working
10 conditions is one of the factors under the Board test.

11 HEARING OFFICER SYKES: Yeah, I mean, that is
12 accurate. We would want to evaluate the differences.

13 I know it can be considered subjective, but, you
14 know, we will give it the appropriate weight. You know,
15 we will allow it.

16 You can go ahead and ask the question.

17 MR. QUINTO-POZOS: Okay, thank you.

18 Q. BY MR. QUINTO-POZOS: All right, so, Lillian, what
19 was the work environment like at Exposition, in your
20 experience?

21 A. It was a lot slower-paced. It was also a lot more
22 stressful in terms of behavior that we -- sort of
23 treatment from customers.

24 The thing about 24th that makes it really wonderful
25 is that a lot of our customers are broke college

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 students who also work food service, and who are
2 generally very understanding and kind, whereas customers
3 at Exposition Westover are -- it is in a more sort of
4 well-to-do neighborhood. The customer base tends to be
5 older, and they tend to have less patience and less
6 respect for us as workers.

7 Q. Thank you.

8 In the time that you worked at 24th Street, have
9 you been aware of Partners from other stores borrowing
10 into your -- into the 24th Street store?

11 A. Borrowed to work at our store, occasionally, yes,
12 sir.

13 Q. Do you have any way of estimating how often you
14 have seen that in the -- in the times that you have been
15 working at 24th Street?

16 A. An estimate -- I would say less -- we do less
17 borrowing than we do lending out of people.

18 Q. Okay. Can -- could you say, for example, in any
19 given week, how many Partners borrow from elsewhere to
20 24th Street, that -- that you are also working that you
21 can see?

22 A. Not -- not -- usually we -- it is only -- because
23 we have so many Partners. Usually when we have borrowed
24 folks, it is only under circumstances that are really
25 dire. Like I remember, when -- back in December of

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 2020, when we had a COVID exposure at our store, we had
2 like half of the Partners isolating because they had
3 been exposed, and the other half were isolating because
4 the District Manager said that -- because they wanted to
5 take a COVID test, and she said that if our Partners
6 wanted to take a test, then they should not be coming in
7 to work, so it was myself and the Store Manager, at that
8 time, who were eligible to work, and under those
9 criteria, and so we had to borrow in a bunch of people
10 just to keep things running.

11 Q. Okay. Have you ever used the District Manager,
12 Susan's, the QR Code to meet with her during her office
13 hours?

14 A. No.

15 Q. Have you had -- well, let me say it this way...
16 Did you have a Second Sip with a District Manager?

17 A. No.

18 Q. With Susan or with anyone else?

19 A. No.

20 Q. And who is Magnolia Lopez?

21 A. I don't know. Apparently she is our Customer --
22 no, our Partner Resource Officer, according to the
23 testimony given today, but I have never heard of her
24 before today.

25 Q. When did you learn that she was -- when did you

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 learn her name?

2 A. Today.

3 Q. And do you know what she does?

4 A. I do not know what she does.

5 Q. Okay.

6 A. Nor do I know how to get in contact with her.

7 Q. Okay.

8 *[Long pause]*

9 MR. QUINTO-POZOS: Okay, I will pass the witness.

10 HEARING OFFICER SYKES: Okay, do you need five
11 minutes, or are you ready to --

12 MR. RAHHAL: I think I am ready.

13 HEARING OFFICER SYKES: Okay.

14 MR. RAHHAL: I am going to make it quick and short.

15 HEARING OFFICER SYKES: Okay.

16 CROSS EXAMINATION

17 Q. BY MR. RAHHAL: Ms. Allen, how are you doing?

18 A. I am here, I am clear, and I am doing my best.
19 How about yourself?

20 Q. I am here, too. I am doing my best.

21 Do you mind if I call you Lillian?

22 A. I do not mind, sir.

23 Q. Perfect, and you can call me Steve.

24 A. Okay.

25 Q. And we have never met before, and I am just wanting

1 you to know, and I am sure you already understand, that
2 I am an attorney working for Starbucks.

3 A. Yes.

4 Q. You have heard me say that, correct?

5 A. I comprehend.

6 Q. Perfect. Okay, let's see...

7 Where do we begin?

8 I want to talk a little bit about your history at
9 Starbucks.

10 You said you have -- you have been a home at two
11 different Starbucks within District 063; is that -- I'm
12 sorry, District 0635; is that correct?

13 A. No, that is not correct.

14 I have had one home store within District 635, and
15 one home store within District 622, which is to the west
16 of us.

17 Q. Okay, so let's start with that.

18 When did you start with Starbucks? You said three
19 years and eight months ago?

20 A. Yes.

21 Q. Okay.

22 A. That was July 2018.

23 Q. Okay, and what store was that?

24 A. I believe the store number is 6227. It is at the
25 intersection of Exposition and Westover in the Casis

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 Village Shopping Center, across from Casis Elementary
2 School.

3 Q. Wow, you are good. I can't even remember where I
4 ate last night.

5 Okay, so what District is that; what District is
6 6227 in?

7 A. It is in District 622.

8 Q. Okay. And what positions did you hold with that
9 store?

10 A. Barista.

11 Q. Okay, any position other than Barista?

12 A. No.

13 Q. Okay, and how long were you a Barista at Store No.
14 6227?

15 A. Five months.

16 Q. Okay, and where did you go from there?

17 A. To Store 6284, my current store.

18 Q. Okay. Now, so did you apply online for your first
19 position with Starbucks?

20 A. Yes.

21 Q. And did you -- when you applied, did you apply for
22 a specific store?

23 A. Yes.

24 Q. Okay, so then you applied for Store 6227?

25 A. Yes.

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 Q. All right, and was there a specific reason why you
2 applied for that store, as opposed to another store in
3 the Austin area?

4 A. At the time, it was the store I knew of that was
5 closest to my house. It was my neighborhood Starbucks
6 growing up, and I -- the 24th Street store is actually
7 about equidistance from me, my house -- it is like my
8 house and the Exposition store one way and the 24th
9 Street store the other way, and it is equidistance, but
10 I didn't know that the 24th Street store existed, and I
11 knew that the Casis Village store did.

12 Q. So, when you learned about the 24th Street store,
13 is that when you transferred over to that store?

14 A. I learned about the existence of the 24th Street
15 store, because they needed emergency extra coverage
16 during the holiday season of 2018, and I was asked by
17 the then Store Manager at -- at 24th -- not 24th, at
18 Exposition and Westover if I would be willing to work at
19 a store outside of our District, and I said, yes, and I
20 went and I clicked really well with the team there, and
21 I -- and they were like, "You should just try it for a
22 week, so we can keep you," and that -- that is what
23 ended up happening.

24 Q. Okay, and when did that occur again?

25 A. That -- that occurred around late December or early

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 January of 2018, 2019.

2 Q. Okay, and you don't know what, if any, involvement
3 the District Manager of District 635 had in that
4 transfer, do you?

5 A. No. I know in theory that a District Manager is --
6 that District Managers are on both ends, are involved in
7 transfers, but they were not involved in this specific,
8 like, process on the ground.

9 Q. Okay, but you are not aware of what involvement, if
10 any, they had in that transfer --

11 A. That's true.

12 Q. And you are now at Store 6284, and what positions
13 have you held there?

14 A. Barista.

15 Q. Okay. Any other positions?

16 A. Just Barista.

17 Q. Okay. Now, it sounds like you have worked at
18 multiple stores within District 635; is that correct?

19 A. Yes.

20 Q. Okay. Now, 6284, what kind of store is that? I
21 have heard terms like café, pick-up, drive-through,
22 café/drive-through. What type of store is Store 6284?

23 A. Store 6284 is a café store.

24 Q. A café store, okay.

25 Now, have you ever worked at the One American

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 Center Store, which is Store No. 689?

2 A. Where is -- can you give me a little bit more
3 information?

4 Q. Well, 600 Congress Avenue.

5 A. Yes, I have worked at 6th and Congress.

6 Q. Okay, and that is another store within District
7 635; correct?

8 A. Yes, correct.

9 Q. Okay, and what kind of store is the 600 Congress
10 Store?

11 A. That is another café store.

12 Q. Okay, and again, when did you start working at the
13 6284 store, approximately.

14 A. December of 2018.

15 Q. Okay, and since December of 2018, approximately how
16 many times have you worked at the 600 Congress Avenue
17 store?

18 A. Boy.

19 Q. I wouldn't know.

20 A. How many times have I worked at 6th and Congress?

21 I have worked there -- like on sporadic one-day
22 times a few times, and I have -- I have worked there for
23 a couple of -- like I want to say a couple of weeks,
24 where I was working there pretty regularly. Yes.

25 Q. So you worked at -- can we just refer to that as

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 the 600 Congress store; is that --

2 A. Uh-huh.

3 Q. Okay, so you worked at the 600 Congress store
4 multiple times for one day at a time; correct?

5 A. Correct.

6 Q. And you also worked at the 600 Congress store for
7 weeks at a time --

8 A. Uh-huh.

9 Q. -- on occasions; is that correct?

10 A. Yes.

11 Q. Okay. Did you ever work at the -- I am going to
12 say the 5th and Lamar store, or Store 6319?

13 A. Yes, I have worked at 5th and Lamar.

14 Q. Okay, and what kind of store is 5th and Lamar?

15 A. 5th and Lamar is another café store.

16 Q. Okay, and it is also a store in District 635;
17 correct?

18 A. That is correct.

19 Q. And approximately how many times have you worked at
20 that store since approximately December of 2018?

21 A. I have only worked at 5th and Lamar a handful of
22 times.

23 Q. More than five times?

24 A. More than five times? Maybe about five times.

25 Q. And, were those one-day stints, or multiple-day

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 stints?

2 A. Those were one-day stints.

3 Q. Okay. Have you ever worked at the store at 45th
4 and Lamar, which would be 4400 North Lamar Boulevard?

5 A. Yes.

6 Q. Okay, and that is Store No. 6328.

7 A. Uh-huh.

8 Q. Okay, and that is also in District 635; is that
9 correct?

10 A. Yes.

11 Q. And what kind of store is Store 6328?

12 A. Another café store.

13 Q. Okay. And approximately how many times have you
14 worked at that store since December of 2018?

15 A. Also a handful of times. I would say five times or
16 less.

17 Q. Okay. Have you worked at the store at South Lamar
18 and Collier --

19 A. Yes, I have.

20 Q. Okay, there you go.

21 A. It is one of my favorites.

22 Q. And that is Store 6356, correct?

23 A. Correct.

24 Q. And that is also in District 635, correct?

25 A. Yes.

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 Q. Okay. Why is that one of your favorites?

2 A. I -- it is clean. It is -- it is maybe the
3 cleanest store in our District. The -- and it is
4 another team that I connect really well with, and I like
5 their store environment, and I generally have positive
6 experiences when I work there.

7 Q. So you like the vibe there?

8 A. I do like the vibe there, yes.

9 Q. There you go.

10 What kind of store is that?

11 A. That is a drive-through store.

12 Q. So it is only drive-through, correct?

13 A. Incorrect. It is a drive-through store -- most
14 drive-through stores have cafés. I do not believe that
15 we have any stores in our District that are designed as
16 drive-through only. We have one pick-up only store, and
17 during COVID lockdown, we did go to drive-through only
18 operations for several of our stores, and during that
19 whole thing, I was working at Riverside and Arena.

20 Q. Okay, approximately -- do you request to work at
21 Store 6356?

22 A. That is at South Lamar and Collier?

23 Q. Yes.

24 A. Sometimes, yes.

25 Q. And you say you like working there. How often

1 would you say you have worked there since December of
2 2018?

3 A. Oh, boy. I would say -- like a few stand alone
4 times, and sometimes I will do -- I will work there for
5 like -- I will be like split between there and 24th for
6 like about a week or two, and then a few -- a while will
7 go by, and then I will do that again, and I will do that
8 with other stores, as well.

9 Q. So you work at 6356 on one-day bases, but also
10 multiple-day bases, as well; is that correct?

11 A. That is correct.

12 Q. Okay. Have you ever worked at the store located at
13 15th and San Antonio, which is also the 501 West 15th
14 Street store?

15 A. Yes.

16 Q. And what kind of store is that?

17 A. That is a café-only store.

18 Q. Okay. And approximately how often have you worked
19 at that store -- well, first of all, that store you know
20 to be in District 635, as well, correct?

21 A. Correct.

22 Q. And how often have you worked at that store since
23 approximately December of 2018?

24 A. Also a handful of times.

25 Q. Okay, and would these be one day at a time, or

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 multiple days?

2 A. Usually one day at a time.

3 Q. Sometimes multiple days?

4 A. Rarely.

5 Q. Sometimes?

6 A. Not to my recollection.

7 Q. Okay, rarely means sometimes to me, but...

8 A. I understand.

9 Q. Now, let's go to the store located at Oltorf and
10 I-35?

11 I may be pronouncing that wrong because I am from
12 Dallas, and I may get those Austin names mixed up.

13 A. You are pronouncing it correctly.

14 Q. Have you ever worked at that store?

15 A. Yes.

16 Q. Okay, and what kind of store is the Oltorf and I-35
17 store?

18 A. A very busy drive-through, and with a café.

19 Q. And is that store also located in District 635?

20 A. Yes.

21 Q. And how often have you worked at that store, to the
22 best of your recollection, since December of 2018?

23 A. Less than a handful of times; like maybe two or
24 three times, and they are always one, or maybe two days.
25 Maybe I worked two consecutive days, but that is the

1 most I have ever worked there in a row.

2 Q. Okay. Have you worked at the 38th and Guadalupe
3 store?

4 A. Yes.

5 Q. Okay. And what kind of store is the 38th and
6 Guadalupe store?

7 A. That is a café store.

8 Q. Okay, and you also know that to be in District 635;
9 correct?

10 A. That is correct.

11 Q. Okay, and how often do you recall working there at
12 Store -- at that store at 38th and Guadalupe, since
13 approximately December of 2018?

14 A. Also a handful of times.

15 Q. And --

16 A. All one-day stints.

17 Q. Any multiple-day stints that you recall?

18 A. Not that I recall, sir.

19 Q. Okay, how about the store at 3rd and Lavaca?

20 A. That is a café only store within District 635. I
21 have worked there for multiple -- for some multiple days
22 since --

23 Q. Multiple times?

24 A. Multiple times, yes.

25 Q. So you have worked at Store 19801, which is the 3rd

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 and Lavaca store, multiple times for multiple days; is
2 that correct?

3 A. That's correct.

4 Q. Okay. Let's talk about the store at Riverside and
5 Arena.

6 A. Uh-huh.

7 Q. What kind of store is that?

8 A. That is a drive-through store, with a café.

9 Q. Gotcha.

10 And you also know that to be in District 635;
11 correct?

12 A. That is correct.

13 Q. Okay. And how often have you worked at that store
14 since approximately December of 2018?

15 A. I have worked at that store for a number of one or
16 two-day stints, and I worked at that store for an
17 extended period of time during COVID lockdown.

18 Q. I am not sure I could say that word either.

19 Okay, how about the store at 1st and Oltorf?

20 A. That is another drive-through store, with a café,
21 within District 635. I have worked there for a number
22 of one-day stints, of multiple-day stints, and it is
23 another really good store to me.

24 Q. We like to hear that.

25 A. Yes.

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 Q. All right, how about the store at Barton Springs
2 and Lamar?

3 A. Yes, that is another drive-through store with café
4 within District 635. I have worked for multiple
5 somewhat extended periods of time there, usually one or
6 two or three weeks, often also while working shifts at
7 24th.

8 It is an unusual -- a very unusual store to work at
9 because it is -- a lot of the store infrastructure is
10 different from other stores, because it is part of a
11 program called Invigorate Texas. So some of their
12 blender/pitcher/rinsers are different from the typical
13 ones, and some of the -- the -- just some of -- mainly
14 the blender/pitcher/rinsers, but mainly the sinks. The
15 sinks are built very -- they are these sort of shallow
16 basins, and they have grating over them that comes off,
17 and it -- it is unusual. It is not like other stores
18 that I have worked at.

19 Q. Yeah, I think I kind of know what you are talking
20 about. They are unusual.

21 A. Uh-huh.

22 Q. So, now, let's get to the last of the thirteen
23 stores in the District, and that is the West Campus. Do
24 you know what store we are referring to as West Campus?

25 A. I know that there are two stores in West Campus. I

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 believe you are referring to the 22nd and Rio pick-up
2 store; correct?

3 Q. You are reading my mind.

4 Have you ever worked at that store?

5 A. No, sir.

6 Q. Okay. Do you know what kind of store that is?

7 A. That is a pick-up only store, sir.

8 Q. Okay. So, of all of the thirteen stores that
9 currently make up District 635, you have worked at every
10 -- and since you have been based at Store 6284, you have
11 been a borrowed Partner at every store within the
12 District, except for the 22nd and Rio Grande store; is
13 that correct?

14 A. That is correct.

15 Q. Man, you probably know that District better than
16 anybody.

17 Okay. I think you testified a little bit about
18 schedules, and setting schedules and being posted. The
19 policy is to be posted at least three weeks out.

20 Do you recall that testimony?

21 A. That's correct, and yes, I recall it.

22 Q. Okay, and you don't know what, if any, involvement
23 the District Manager has in setting store schedules, do
24 you?

25 A. Well, I know that the District Manager collaborates

1 with the Store Manager on setting store hours of
2 operations.

3 Q. Okay, so then is it your testimony that the
4 District Manager is involved in setting store operation
5 hours; correct?

6 A. Yes, but I have never seen her directly involved in
7 making an actual like -- under normal circumstances in
8 making the week to week schedule for the store.

9 Q. Correct, but you are not aware if she is involved;
10 correct?

11 A. Correct.

12 Q. You also testified a little bit about the hiring --
13 the hiring process.

14 Isn't it correct that you are not aware what, if
15 any, involvement the District Manager has in the hiring
16 process?

17 A. The hiring -- I am just going to say I am not
18 entirely aware.

19 Q. She could be involved, but you just don't know,
20 correct?

21 A. She could be involved. I know that sometimes she
22 is involved. I know that she is less visibly involved
23 than other times. I don't know how -- how extensively
24 she is involved --

25 Q. Okay, so you have seen her actively involved in the

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 hiring process for some Partners; is that correct?

2 A. I have seen her at the hiring fairs.

3 Q. Okay.

4 A. But usually it is the Store Manager that is
5 conducting the actual interviews.

6 Q. Do you go to those hiring fairs?

7 A. They happen in our café, so I am just kind of there
8 because I am making drinks.

9 Q. Is it your understanding that these hiring fairs
10 are to look at potential Partners for all of the stores
11 within the District?

12 MR. QUINTO-POZOS: Objection; foundation.

13 MR. RAHHAL: I am asking for her understanding.

14 HEARING OFFICER SYKES: Yeah, you can ask what her
15 understanding is, and what the purpose of the hiring
16 fairs was.

17 Q. BY MR. RAHHAL: Go ahead.

18 A. It is my understanding that the goal of the hiring
19 fairs is to acquire potential candidates for all of the
20 stores within our District. However, it is also my
21 understanding that people will tend to show up to the
22 fairs when they take place at stores that they are
23 interested in working at.

24 Q. Do you know if there have been hiring fairs at
25 other stores in District 635?

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 A. Yes.

2 Q. All of the stores, or just some of the stores?

3 A. I don't know if all of the stores, but I know for
4 certain that 45th and Lamar, and I know for certain at
5 Barton Springs and South Lamar, and I think also 38th
6 and Guadalupe.

7 Q. You mentioned requests for approving time off, and
8 that if a Partner is able, they are to give at least
9 three weeks' notice; is that correct?

10 A. Yes.

11 Q. Okay. And isn't it correct that you don't know
12 what, if any involvement, the DM has in approving or not
13 approving those requests for time off?

14 A. That is correct.

15 Q. I think there was some testimony about evaluations.
16 Isn't it correct that you don't know what, if any,
17 involvement the DM has in creating and -- or giving
18 those evaluations?

19 A. Are you speaking of Partner Development
20 conversations?

21 Q. Yes.

22 A. That is correct.

23 Q. We talked about discipline, and I think we talked
24 about specific discipline related to you, and you
25 mentioned you had been disciplined four to five times;

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 correct?

2 A. That is correct.

3 Q. Okay, and isn't it correct that you don't know
4 what, if any, involvement the DM had in those four to
5 five times you were disciplined?

6 A. That is correct.

7 Q. I think you mentioned a little bit about
8 termination, and again, you don't know what involvement,
9 if any, the DM has in the decision to terminate a
10 Partner at a particular store?

11 A. I do not know all of the details, no.

12 Q. Okay. And I think you talked a little bit
13 specifically about a situation that impacted you, and I
14 am probably going to quote this wrong, but something
15 about your former Manager told you that Susan Nixon
16 wanted you written up and fired. Do you recall --

17 A. Yes.

18 Q. -- testimony of that nature?

19 A. Yes, I recall testimony of that nature.

20 Q. Did Susan Nixon ever tell you that she wanted you
21 fired?

22 A. No.

23 Q. Did Susan Nixon ever tell you that she wanted you
24 written up?

25 A. No.

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 Q. So your testimony is based solely on what you heard
2 from the former Manager; is that correct?

3 A. That's correct.

4 Q. We also talked a little bit about the
5 classification of the store. I don't know if that was
6 the term, but Ristretto, Tall, Grande, and Venti?

7 A. Uh-huh.

8 Q. Is that a classification; is that what would be
9 used?

10 A. Or tier. I have heard it called a tier.

11 Q. Do you know who makes the decision to categorize a
12 store in any one of those four tiers?

13 A. I believe it is algorithmically generated, but I do
14 not know for sure.

15 Q. So you don't know what, if any, involvement the
16 District Manager would have in classifying the stores in
17 District 635 in one of those four tiers?

18 A. That is correct.

19 MR. RAHHAL: If we could take about a five-minute
20 break, I think I am about done.

21 HEARING OFFICER SYKES: Sounds good.

22 Okay, we can take a five-minute break.

23 I guess I would still have you stick around. I may
24 have a question or two --

25 MR. RAHHAL: Actually -- actually, Paul, I -- I am

1 just looking through my notes, and I believe I am done.

2 I pass the witness.

3 HEARING OFFICER SYKES: Okay. Do you have any
4 other follow-up questions on redirect?

5 MR. QUINTO-POZOS: I do, yes.

6 HEARING OFFICER SYKES: Okay.

7 REDIRECT EXAMINATION

8 Q. BY MR. QUINTO-POZOS: Lillian, we heard an
9 extensive list of stores within the District where you
10 have worked. Have you worked at stores outside the
11 District --

12 A. Yes.

13 Q. -- as a borrowed partner?

14 A. Yes.

15 Q. Okay. Can you tell me which ones?

16 A. I have worked at Rockwood and Anderson, which is in
17 District 622. It is a drive-through store, and has a
18 café.

19 I have worked at Northland and Balcones, which is
20 in District 622. It is a drive-through store with a
21 café.

22 I have worked at the Reserve store in the Domain.
23 It is a café store. It is also a reserve store, which
24 means it has some different elements to it, and there is
25 a Reserve store menu, which means it differs from a

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 typical Starbucks menu. They have the different
2 espresso machine, called the Black Eagle, which always
3 sounded like a spy name to me, but it is for -- it is on
4 the Reserve side, and it is for making specialty
5 espresso beverages. They have a Clover machine, or they
6 had a Clover. I think they are doing away -- it was
7 discontinued, but I think it is coming back. They have
8 different coffees available, that are not the typical
9 Starbucks --

10 Q. And, I'm sorry, I don't necessarily need a
11 description of --

12 A. Sorry.

13 Q. -- every store. I am just curious if there are
14 others outside the District.

15 A. Yes, I have also worked at store in Lakeway. I
16 have worked at -- let's see...

17 Got Rockwood and Anderson, got Northland and
18 Balcones, got the Reserve store, got Lakeway, got -- I
19 worked at -- there are two stores around -- I have
20 worked at the 316 and Bee Cave, and Bee Caves and
21 something else. I can't remember exactly where. There
22 are two -- Nash Tarleton and Bee Caves. I have worked
23 at -- jeez.

24 MR. RAHHAL: I would object, at this point, as to
25 the relevancy. I mean, I think the area is probably an

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 appropriate unit. We are talking about stores outside
2 the District. The area is an appropriate unit, but that
3 certainly doesn't make the District not an appropriate
4 unit.

5 I think this is just additional evidence that a
6 single store is certainly not an appropriate unit.

7 HEARING OFFICER SYKES: I mean, well, I think the
8 question was just, "What other stores, outside of the
9 District..." I mean, I think -- yeah, I don't know how
10 necessarily, but, you know, it -- I guess to the extent
11 that we are trying to develop the record that she works
12 at stores not just in District 0635, but outside.

13 Well, I guess that could be relevant, so you can go
14 ahead.

15 THE WITNESS: I have also not worked at, but I have
16 transferred product to stores as far as Buda, which is
17 down south.

18 HEARING OFFICER SYKES: Okay.

19 Q. BY MR. QUINTO-POZOS: Now, in terms of the amount
20 of time, or the number of times or the frequency, with
21 which you worked at stores other than 24th Street --

22 A. Uh-huh.

23 Q. -- why -- why do you work at other stores so much?

24 A. Why do I work at other stores so much?

25 Part of it is that I just like being able to help,

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 and I like going to other stores and seeing how things
2 differ from store to store, and to seeing if there is
3 anything that they are doing that we are not doing, that
4 maybe would be helpful. Like, for instance, closing
5 bags of espresso beans with clothespins, as opposed to
6 sticker tape, or you know, making cubes of lemonade as a
7 prep. Just -- just Starbucks hacks, I guess. Things
8 that people do operationally at the store level that
9 might come in handy. I like being able to see what
10 other people are doing, and to transfer that knowledge
11 back to 24th.

12 I also sometimes, when I have -- I -- I work
13 usually over thirty hours a week ideally, but sometimes
14 I am not scheduled, and sometimes I am only scheduled
15 like eighteen to twenty hours a week, and so, if I want
16 to make the amount of money that I need to be making to
17 like pay my bills, then I will pick up shifts at other
18 stores to supplement the amount of hours. Or, if I want
19 overtime, and our District is not currently offering
20 overtime, I will seek overtime at other stores outside
21 of our District.

22 Q. Okay. In your role as a Barista at 24th --

23 A. Uh-huh.

24 Q. Do you have any knowledge about how much other
25 Partners at 24th borrow to other stores?

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 A. I have knowledge of -- of other Partners borrowing
2 out as it happens. Like, if -- like if I am borrowed to
3 a store, and I see someone at 24th there, it is like,
4 "Hey," or like talking about -- in our store's group
5 chat, sometimes the current Manager will request, like,
6 "Hey, does anyone want -- can anyone work at Riverside
7 this Thursday. They need overage," and someone will be
8 like, "Yes," and in that sense, I do have sort of
9 knowledge of people working at other stores.

10 Q. Okay, and so based on you observing other partners
11 borrowed, when you are borrowing, and on the basis of
12 the chats that you see on the -- on the Discord or --
13 what you were just describing --

14 A. Uh-huh.

15 Q. Would you say that there are other Partners who
16 borrow as much as you do?

17 A. I might be the one who does the most, just because
18 I have pretty open availability, and I have a car, and I
19 am generally "down to clown," as it were. I -- I mean,
20 I am willing to take those shifts, and I am willing to
21 make those adjustments to my schedule. I -- I have the
22 access to do that.

23 Q. Okay.

24 MR. QUINTO-POZOS: I will pass the witness.

25 Thank you.

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 HEARING OFFICER SYKES: Is there any recross?

2 MR. RAHHAL: I have just got to know what "down to
3 clown" means, because I want to use that.

4 *[Laughter]*

5 MR. RAHHAL: I love that term. I have just never
6 heard it before.

7 THE WITNESS: "Down to clown" is a colloquialism,
8 meaning sort of on-board or willing to engage, but in
9 kind of a fun way with a connotation of a bit of -- you
10 are willing to put up with some silliness.

11 MR. RAHHAL: Really, you don't mind if I utilize
12 that term or phrase in my everyday life.

13 THE WITNESS: Knock yourself out, sir.

14 MR. RAHHAL: Perfect.

15 I have nothing.

16 MR. QUINTO-POZOS: Okay, I think you should quote
17 that in every brief from now on.

18 MR. RAHHAL: I love it.

19 HEARING OFFICER SYKES: Yeah, the Decision Writer
20 will be able to get a good description of it, as well,
21 when they read this, so...

22 Let's just go off the record real quick. I may
23 have a few questions, but let's just go off the record
24 for a minute maybe.

25 *[Off the record]*

1 HEARING OFFICER SYKES: Okay, are good?

2 THE COURT REPORTER: We are on the record.

3 HEARING OFFICER SYKES: I have just a few
4 questions.

5 EXAMINATION BY THE COURT

6 HEARING OFFICER SYKES: Okay, so if I recall, the
7 timeline that you have been at -- sorry, I need to look
8 at the store numbers again. Okay, at Store 6284, that
9 was around January -- early January 2019, until the
10 present date?

11 THE WITNESS: Uh-huh.

12 HEARING OFFICER SYKES: Is that correct?

13 THE WITNESS: Yes, sir.

14 HEARING OFFICER SYKES: So during that period, I
15 mean, can you estimate what -- and this might be hard,
16 but what percentage of your shifts are at Store 6284, as
17 opposed to the other stores that you worked at?

18 THE WITNESS: I would say about 75 percent at Store
19 6284.

20 HEARING OFFICER SYKES: Okay.

21 THE WITNESS: That is my guess.

22 HEARING OFFICER SYKES: Okay, of course we will
23 have lots of data in the record that we will be able --
24 that the Decision Writer will be able to look at --

25 THE WITNESS: Uh-huh.

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 HEARING OFFICER SYKES: -- but, you know, it is
2 always good to get witness testimony about, you know --
3 because I don't know if the data actually identifies the
4 employee, but just the employee numbers.

5 THE WITNESS: Uh-huh.

6 HEARING OFFICER SYKES: And then, I guess on a, you
7 know, when you are at Store 6284, you know, in the day
8 to day operations of that store, you know, who are you
9 generally taking direction from or reporting to?

10 THE WITNESS: My Shift Supervisors.

11 HEARING OFFICER SYKES: Okay. And -- and if the
12 Shift Supervisor is not there, you would be reporting to
13 the Store Manager?

14 THE WITNESS: Yes.

15 HEARING OFFICER SYKES: Okay, and then, are you
16 familiar with the Play Builder Tool?

17 THE WITNESS: Yes.

18 HEARING OFFICER SYKES: Do you know -- do you have
19 any experience with like using it or inputting data into
20 it?

21 THE WITNESS: I have not used the Play Builder to
22 build the play. I have seen the Play Builder used, and
23 I am familiar with its basic functions.

24 HEARING OFFICER SYKES: I see.

25 And has any Shift Supervisor -- I mean, have you

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 ever observed or witnessed, you know, somebody making a
2 change in the play that is recommended, and I don't know
3 if I am using the correct terms, but --

4 THE WITNESS: Yes.

5 HEARING OFFICER SYKES: Okay, and when -- and when
6 you observed that, was it like an instantaneous thing,
7 or did you observe that person calling somebody to get
8 permission?

9 THE WITNESS: It is an instantaneous thing.
10 Sometimes like, there -- there are times when the
11 shifts, or the Play Caller will use the Play Builder to
12 adjust the play. It is sometimes when things are in the
13 moment, that things are going so fast, that we do not
14 take the time to wait for the iPad to load the Play
15 Builder app.

16 It is just, "Can you flex to Warming?" Just
17 instead of doing whatever, like -- like if I am on
18 Customer Support, which is a position that is not
19 planted. It sort of moves around, but then we get like
20 a whole bunch of food in. It is like, "Can you stop
21 where you are in the CS cycle, and flex to Warming, so
22 that we can get all of that food out of the way, but the
23 person is on register, who had been doing like a
24 combination of the register and Warming, wouldn't --
25 they wouldn't have to slow down with all of that food,

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 so that we can keep the register line moving.

2 There are sometimes in the play calls that do not -
3 - that are not -- that the Play Builder -- not the Play
4 Caller taking direct direction from the Play Builder
5 application.

6 HEARING OFFICER SYKES: Okay. And have you ever
7 experienced in Store 6285, a -- a District Manager
8 giving work directives to Baristas or Shift Supervisors
9 while they are, you know, making drinks or doing some
10 other tasks?

11 THE WITNESS: Occasionally during a store Quick
12 Connect, the -- Susan will be in the store, and she will
13 advise redeployment, or flexing the play, but she is not
14 there on a day to day basis, making play calls, or
15 acting as Play Caller, or doing that sort of "in the
16 moment" flexing of the play.

17 HEARING OFFICER SYKES: I see.

18 And then, you had mentioned there was a Discord,
19 and I'm sorry, I am kind of ignorant about this whole
20 thing. Is -- was this something that was created by
21 Starbucks, the Company, or was this created by the
22 employees at Store 6284?

23 THE WITNESS: Discord is a web-based chat client
24 that is also available as a mobile app. It is -- it is
25 like a -- it is a chat client. It is not something that

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 Starbucks itself created.

2 The Discord server for our store was made by one of
3 our Baristas, Ru. We used to have a group text that was
4 just like a group text message with all of the Partners
5 I the store, but we have currently 46 employees at the
6 store, not including management, and so it got to the
7 point where the group text would not allow us to add any
8 more people. So, we -- so management was like, "Okay,
9 we need to take -- we need a new method of
10 communication. Let's take a vote of what we want. We
11 could do a group meet, we could do like Microsoft Teams.
12 We could do a slack, and someone suggested Discord, and
13 a lot of us were like, "Hey, that's a good idea," and so
14 Ru, one of our Baristas, made the Discord server and got
15 everybody in there, and now new -- new Partners, when
16 they are hired at the store and brought on-board, are
17 given an invite to the Discord server by their --
18 usually by their Barista Trainer.

19 HEARING OFFICER SYKES: And this -- so the Store
20 Manager is on this Discord chat?

21 THE WITNESS: Yes.

22 HEARING OFFICER SYKES: Okay, but you said that the
23 District Manager is not?

24 THE WITNESS: No.

25 HEARING OFFICER SYKES: To your knowledge?

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 THE WITNESS: They are not.

2 HEARING OFFICER SYKES: Okay, and then, you know,
3 you've -- you have worked at several stores, almost
4 every store in this District. Do the other stores have
5 Discord chats like this?

6 THE WITNESS: I don't -- I don't know if they have
7 Discord specifically. Each store does usually have its
8 own group chat of some form, whether it is a group text
9 or a Group Me, or Discord or some other messaging and
10 communications for that store specifically. Each store
11 tends to have one.

12 My store in -- my previous home store in District
13 622, had a Group Me, and I was removed from that group
14 chat when I transferred to -- to 6284.

15 HEARING OFFICER SYKES: I see. And in your -- I
16 don't want you to reveal anything about the Union or
17 working conditions, but, you know, the --

18 THE WITNESS: Uh-huh.

19 HEARING OFFICER SYKES: You have worked at several
20 stores in the District, but do you keep -- how often do
21 you keep in contact with employees at other stores?

22 THE WITNESS: How often do I keep...

23 Well, I mean, not super regularly. Sometimes if I
24 worked a few consecutive shifts with someone and we have
25 become friends, then we will exchange phone numbers to

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 stay in touch, or sometimes I -- I -- a thing that is
2 fairly common practice, is if you really like working at
3 a store, you are a borrowed partner at, you can leave
4 your phone number in the back of the house, and be like,
5 "Call if you need coverage," and so people from other
6 stores have gotten in touch with me that way. Like,
7 "Hey, can you pick up my shift?" and sometimes, like if
8 I work for an extended period of time at a store, I will
9 give the Store Manager my contact information so it is
10 just like, "Hey, I really like working at your store,"
11 or sometimes, if I have their contact information,
12 because like we have communicated about my working at
13 their store, I -- I will sometimes reach out.

14 For instance, our store, because we are a smaller
15 café, and because we tend to get slower over winter
16 break, we were closed on Christmas, so I reached out to
17 Morgan Vago who is the Manager at a busier drive-through
18 store, Burns and South Lamar, and I was like, "If you
19 want additional coverage on Christmas Day," because I
20 wanted that holiday pay, and he was like, "Yes, come and
21 work a shift." So...

22 HEARING OFFICER SYKES: I see.

23 And then, to your knowledge, because you work at
24 6284, what --

25 THE WITNESS: Uh-huh.

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 HEARING OFFICER SYKES: -- percentage would you
2 say, of the employees are students at either UT or some
3 other nearby university?

4 THE WITNESS: Oh, gosh. I would say like at least
5 90 percent. Most -- most of our -- most of our
6 employees are UT students.

7 HEARING OFFICER SYKES: Okay. And are you a UT
8 student, or a student of another university at this
9 point?

10 THE WITNESS: No.

11 [Long pause]

12 HEARING OFFICER SYKES: And you have been there
13 since 2019, so in your experience, would generally these
14 students work multiple semesters or for multiple-year
15 periods, from what you have observed?

16 THE WITNESS: Yes.

17 HEARING OFFICER SYKES: Okay.

18 THE WITNESS: We have several students, or several
19 employees who will work during the school year, and then
20 transfer home to their home -- stores in their hometowns
21 during summer, and then transfer back once the new
22 semester starts.

23 HEARING OFFICER SYKES: I see.

24 [Long pause]

25 HEARING OFFICER SYKES: Okay. I don't think I have

1 any other questions.

2 Does anybody have anything else?

3 MR. QUINTO-POZOS: Yes, I do. Yes.

4 HEARING OFFICER SYKES: Okay.

5 FURTHER REDIRECT EXAMINATION

6 Q. BY MR. QUINTO-POZOS: Lillian, do you have an
7 employee number, or like a log-in name?

8 A. Yes.

9 Q. Can you tell us what that is?

10 A. I am US2544328.

11 Q. US2544328?

12 A. Uh-huh.

13 Q. Okay.

14 MR. QUINTO-POZOS: No further questions.

15 I will pass the witness.

16 MR. RAHHAL: I have got just a couple, Paul.

17 HEARING OFFICER SYKES: Yeah, and maybe off the
18 record, I just wanted to ask something.

19 *[Off the record]*

20 HEARING OFFICER SYKES: Okay, back on the record.

21 RECROSS EXAMINATION

22 Q. BY MR. RAHHAL: I just wanted to ask, how many
23 Partners work at Store 6284? Do you know?

24 A. There are 46 right now, I believe.

25 Q. Okay, and do you know how many of those Partners

1 are leaving for the summer?

2 A. I am uncertain as to everyone's summer plans. I
3 know that some are leaving and some are staying.

4 Q. Do you know approximately how many are leaving?

5 A. I do not know at this time, sir.

6 Q. Do you know if it is more than ten?

7 A. I do not know at this time, sir.

8 Q. Okay. Do you know if any of the Partners -- well,
9 I think your testimony was that several of the Partners
10 are going to school; is that correct?

11 A. That is correct, sir.

12 Q. Do you know if any of the Partners currently
13 working there are graduating this semester?

14 A. I think we might have one person that is graduating
15 this semester. I am not sure, though.

16 Sorry.

17 MR. RAHHAL: I have nothing further.

18 HEARING OFFICER SYKES: Okay, is there any other
19 questions?

20 MR. QUINTO-POZOS: No, not from me.

21 HEARING OFFICER SYKES: Okay, you are excused, and
22 thank you for taking the time, and you know, obviously
23 you are welcome to stick around and observe.

24 THE WITNESS: Thank you.

25 MR. RAHHAL: Down to clown!

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 THE WITNESS: Down to clown, sir.

2 MR. RAHHAL: If I am going to say it, I have got to
3 get it right.

4 THE WITNESS: It is advisable, yes.

5 *[Witness excused]*

6 HEARING OFFICER SYKES: Okay, so Petitioner, I
7 don't know if you would like to take a break, or if you
8 want to go right to your next witness. It is up to you
9 though.

10 MR. QUINTO-POZOS: I think we are ready to proceed.

11 HEARING OFFICER SYKES: Okay, you can go ahead.

12 MR. QUINTO-POZOS: The Union will call, Caro
13 Gonzalez.

14 HEARING OFFICER SYKES: Hello.

15 THE WITNESS: Hello.

16 HEARING OFFICER SYKES: Hello, I think you have bee
17 observing, so you know who I am, but I am the Hearing
18 Officer.

19 Just make sure you give a verbal response when you
20 answer questions.

21 If you don't understand the question, or if
22 somebody objects, just wait to answer until I can rule
23 on the objection.

24 I will swear you in now, so if you will raise your
25 right hand.

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 (Whereupon,

2 CARO GONZALEZ

3 having been sworn/affirmed, was called as a witness
4 herein, and was examined and testified via video-
5 conference, as follows:)

6 HEARING OFFICER SYKES: Okay, I don't think -- I
7 don't know if you are muted, or your microphone...

8 Let's go off the record.

9 *[Off the record]*

10 HEARING OFFICER SYKES: Oh, okay, we can go back on
11 the record.

12 THE COURT REPORTER: We are on.

13 HEARING OFFICER SYKES: You can start your
14 questions.

15 MR. BACHOP: Thank you.

16 DIRECT EXAMINATION

17 Q. BY MR. BACHOP: Will you please tell us your name
18 and tell us where you work?

19 A. Caro Gonzalez. I work at the 24th location.

20 Q. When did you start working there?

21 A. June 25th, 2021, so about nine months ago.

22 Q. What is your position?

23 A. I am a Shift Supervisor.

24 Q. Were you hired as a Shift Supervisor, or did you
25 promote at some point?

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 A. I was hired on as a Barista, and went through
2 training, I was then hired on to *[Indiscernible]*. I was
3 originally hired as a Barista.

4 Q. And who is the Store Manager at your store?

5 A. Jill Benton.

6 Q. And is she your direct supervisor?

7 A. Yes, she is.

8 Q. And we heard testimony this morning from Susan
9 Nixon, the District Manager.

10 THE COURT REPORTER: Excuse me.

11 Ms. Gonzalez, you are going to have to speak a
12 little louder, and a little slower. When it is coming
13 across for my recording, it is sounding a little bit
14 muffled.

15 You might have to get a little closer to your
16 microphone.

17 THE WITNESS: Is this better?

18 THE COURT REPORTER: Yes, much better.

19 Thank you.

20 THE WITNESS: Yeah, of course.

21 Q. BY MR. BACHOP: We heard testimony this morning
22 from Susan Nixon, the District Manager. Are you
23 familiar with her?

24 A. Yes, I am.

25 Q. How did you come to apply for a job at Starbucks?

1 A. I went to the 24th location, and I gave Jill my
2 resume, and she asked for me to apply online.

3 Q. Did you put in an application online like she had
4 suggested?

5 A. Yes. That day.

6 Q. When you did that, were you able to select the
7 particular store you wanted to work at?

8 A. Yes. It actually asked you for the store you
9 preferred to work at.

10 Q. Okay, and I take it, that you selected the 24th
11 Street store?

12 A. That is correct, yes.

13 Q. Did you get interviewed during the hiring process?

14 A. I did not.

15 Q. Who at Starbucks did you talk to during the hiring
16 process?

17 A. Just Jill.

18 Q. And so you never spoke to the District Manager
19 during that process?

20 A. Not in my initial Barista hiring, no.

21 Q. Who offered you the Barista position?

22 A. Jill Benton.

23 Q. Do you have any idea if the District Manager was
24 involved in the decision to hire you?

25 MR. RAHHAL: I would object to the extent it calls

1 for speculation.

2 HEARING OFFICER SYKES: Overruled. I -- you know,
3 to the best of her knowledge of what the involvement is,
4 and you can address it on cross, if you want.

5 THE WITNESS: To my knowledge, there was no
6 involvement in hiring. It was Jill.

7 Q. BY MR. BACHOP: Did you have some sort of
8 orientation or onboarding when you started?

9 A. I had the First Sip, the onboarding with Jill.

10 Q. And what does that entail?

11 A. We have a coffee tasting, just to know the product,
12 and we go over the position, and she has -- so we can
13 have our individual number, like our department number.

14 Q. Was there some training following that?

15 A. Yes. We had the Barista Basics.

16 Q. And do you know who decides what the training
17 consists of?

18 MR. RAHHAL: Objection; calls for speculation.

19 HEARING OFFICER SYKES: What was the question
20 again?

21 MR. BACHOP: "Do you know who decides what the
22 training consists of?"

23 HEARING OFFICER SYKES: I --

24 MR. RAHHAL: On that, what she understands or
25 believes, but...

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 THE WITNESS: I can speak to my experience.

2 HEARING OFFICER SYKES: Yeah. We will give it the
3 appropriate weight, so you can answer the question.

4 THE WITNESS: Yeah, so this is a standard module,
5 with little worksheets of some sort, but ultimately that
6 it was Jill that decides what Barista Trainer and what
7 each trainee does per day.

8 Q. BY MR. BACHOP: Okay. How long was the training
9 period?

10 A. Mine was about a week for the training schedule.

11 Q. Was the District Manager present at your
12 orientation or training?

13 A. No.

14 Q. Do you know of any involvement that she had in your
15 training process to become a Barista?

16 A. No.

17 Q. Have you ever seen the District Manager in your
18 store training another employee?

19 A. No. We had specialized Barista training by people
20 who had become Trainers.

21 Q. Did you have a Second Sip with the District Manager
22 after you were hired?

23 A. I did not.

24 Q. When was the first discussion about the possibility
25 of promoting you to Shift Supervisor?

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 A. It was in passing whenever I volunteered to go pick
2 up some inventory from the [Muffled] store, and when I
3 got there, Jill had asked if that was something I would
4 be interested in, and I said, "Yes."

5 This was before COVID. Yeah. Yeah.

6 Q. Did you put in a formal application to become a
7 Shift Supervisor?

8 A. I did not until three or four days after I had
9 already started my Shift Supervisor training.

10 Q. Who told you that you were going to start the Shift
11 Supervisor training?

12 A. Jill did.

13 Q. What did the Shift Supervisor training entail?

14 A. It is -- it is after the Barista training, like a
15 worksheet, and then Jill directed my training.

16 [Muffled]

17 Q. And what is your understanding of who decided what
18 the Shift Supervisor training consisted of?

19 A. Once again, I think it is -- it is just Jill that
20 decides what we do every day. That is Jill deciding
21 what we do.

22 Q. And was the District Manager involved in any of
23 your Shift Supervisor training?

24 A. From my understanding, no.

25 Q. Let's talk about scheduling.

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 Typically, what are the hours you work?

2 A. [Muffled]

3 Q. Who does the schedule for the 24th Street store?

4 MR. RAHHAL: Objection; calls for speculation.

5 HEARING OFFICER SYKES: I mean, I guess, her
6 understanding of, you know, her experience.

7 MR. RAHHAL: Yes, but the question was, who does
8 it, and not who do you understand does it.

9 HEARING OFFICER SYKES: Yeah, I guess if you could
10 ask the understanding that if -- of how you know that.

11 Q. BY MR. BACHOP: What is your understanding of who
12 does the schedule for the 24th Street Store?

13 A. Yeah, to my understanding, it is each individual
14 Store Manager, or the Assistant Store Manager, and
15 [Muffled] work on the schedule.

16 Q. Okay.

17 A. [Muffled]

18 Q. How do you let Jill know when you are available to
19 work?

20 A. Officially we have to do it through the app, and I
21 let the app know three weeks in advance. However, I
22 have [Muffled] sometimes, and then they manually
23 override it on the app, [Muffled].

24 Q. What if you need a block of time off, and you are
25 trying to schedule that in advance. Does that work the

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 same way?

2 A. Yes. Ideally we are supposed to do it on the app,
3 but again, I have worked with Jill [Muffled] whenever we
4 had our store [Muffled] manager.

5 Q. Who tells you whether you are going to get the time
6 off or not?

7 A. Jill does.

8 Q. And does Jill tell you that she needs to check with
9 Susan on whether you will get the time off?

10 A. No. No, not to my understanding, no.

11 Q. Have you ever been involved in swapping shifts with
12 other Partners?

13 A. Yes, I have.

14 Q. How often do you see or hear about that happening
15 at the 24th Street store?

16 A. Every day.

17 Q. What's the process for swapping shifts at the 24th
18 Street store?

19 A. So, technically, we are supposed to let Jill know,
20 however that doesn't always correctly reflect on the
21 schedule, so what we understand at our store
22 specifically, is that we let the Shift Supervisors know
23 ourselves, and we have the DCR, the Daily Coverage Report,
24 and that is where we write in, so if [Muffled] can't
25 work and I can, that is where I write that down.

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 Q. Well, before you get to that point, how do you get
2 someone to cover the shift?

3 A. Oh, we usually like have to ask our Partners. Now
4 we have our Discord, so we usually say, like, "Hey, I
5 need somebody to cover my shift," and someone would
6 usually say, "Yeah, I can take your shift." And then we
7 would do the --

8 Q. And who is on the Discord server?

9 A. The Shift Supervisor, and everybody -- everybody in
10 our store.

11 Q. And do you work shifts at another store, other than
12 that?

13 A. No. I may have meetings at other store, but I have
14 not worked shifts at other stores.

15 Q. Okay, and that one time you borrowed, did you
16 volunteer for that, or were you required to do that?

17 A. Jill had asked if I wanted to do it, and I was free
18 that day, so I said yes.

19 Q. And Lillian Allen gave some testimony that I think
20 you heard a few minutes ago, about working borrowed
21 shifts at lots of other Starbucks stores. Do you know
22 if that is typical for Partners at the 24th Street
23 store?

24 A. No. Lillian is really the only one that does that,
25 yeah.

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 Q. How often have you seen employees from other store
2 borrowing to come and work at 24th Street?

3 A. Since I have been here, only two times that I ever
4 seen that happen.

5 Q. And do you know what led to those two occasions of
6 borrowing employees?

7 A. Yes. The first occasion, it was right before the
8 22nd Street pick-up store opened, [Muffled] that they
9 didn't have like shifts at the store, so we ended up
10 borrowing some of them, for just like two days, two or
11 three days.

12 The second time was not too long ago when -- oh,
13 yes, we had a Trainer come train at our store.

14 Q. And when the employees that were going to start at
15 the new 22nd Street location came and worked, did they
16 say there was anything different about the 24th Street
17 store from what they were trained on?

18 A. Yes. Yes, [Muffled]

19 Q. What was different?

20 A. Everything really. Our store is very different
21 from other stores, because of the -- well other store,
22 because of the physical location, like our customer
23 base, so we -- like our processes are -- yeah, for some
24 of s [Muffled]

25 And myself are trained. It was a lot more focus on the

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 lobby thing. But our training is a lot more focused.

2 Q. Are you familiar with the Play Builder Tool?

3 A. Yes, I am.

4 Q. And is that a tool that you use in your role as
5 Shift Supervisor?

6 A. Sometimes.

7 Q. Do you ever deviate from what the Play Builder Tool
8 says to do?

9 A. Yes. All of the time.

10 Q. What is an example of why you would deviate from
11 what it says?

12 A. So, sometimes if we have like a 5-person or a 4-
13 person play, it would always, especially during the
14 week, it would always tell me to put someone at Hands-
15 Off, but however, we have a lot of issue [Muffled] with
16 the Hand-off with the Service Report. [Muffled] but I
17 do it all of the time.

18 Q. All right, and what is your understanding about
19 whether you are allowed to deviate from what the Play
20 Builder Tool says?

21 A. Well, I have -- that is something that we discussed
22 initially, but that is the whole reason why [Muffled]
23 why they trust us to be able to know what our store
24 needs at that time, and therefore, to take action and
25 adjust our plan.

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 Q. What is your understanding of who is responsible
2 for resolving conflicts between employees at the 24th
3 Street Store?

4 A. For most of our shifts, we typically handle that.
5 If it escalates, we would either go to our Assistant
6 Store Manager with the problem, or to Jill.

7 Q. Have you ever seen or heard of anyone going to
8 Susan for issues like that?

9 A. No.

10 Q. Have you ever used the QR Code to contact Susan?

11 A. No.

12 Q. Okay. How often do you see Susan at the 24th
13 Street store?

14 A. So, as of recently, it has been at least two or
15 three times a week, but before that, it was usually once
16 a month. She usually came over with some product, at
17 that time, and that was usually once a month.

18 MR. BACHOP: Thank you, Caro.

19 I will pass the witness.

20 HEARING OFFICER SYKES: Okay, do you have any cross
21 examination?

22 MR. RAHHAL: Yeah. Am I on?

23 HEARING OFFICER SYKES: Yes.

24 MR. RAHHAL: Okay.

25 CROSS EXAMINATION

1 Q. BY MR. RAHHAL: Hello, Ms. Gonzalez.

2 How are you doing?

3 A. Doing good. And you?

4 Q. I am doing wonderful.

5 My name is Steve Rahhal, and I think you have been
6 on some of this hearing today, so you understand that I
7 represent Starbucks today; correct?

8 A. That is correct, yes.

9 Q. Okay. And I -- what -- you were hired on at
10 Starbucks as a Barista, on what day again, was that?

11 A. June 25th, 2021.

12 Q. Okay. And it is correct that you don't know what,
13 if any, involvement the District Manager had in your
14 hiring; right?

15 A. Based on my understanding, yes; she did not have
16 any involvement.

17 Q. But you don't know if the District Manager had any
18 involvement, correct?

19 A. When I talked with Jill, she said she didn't, so I
20 don't --

21 Q. So is it your testimony, Ms. Gonzalez, that Jill
22 told you that the District Manager had no involvement in
23 your hiring?

24 A. Jill told me that she hired people, and that is why
25 I was --

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 Q. But --

2 A. I guess, it is plausible, but to my understanding,
3 no, she was not involved.

4 Q. And I think you got promoted to Shift Supervisor;
5 correct?

6 A. Correct.

7 Q. And isn't it also that you don't know what, if any,
8 involvement the District Manager had in that promotion
9 decision?

10 A. That isn't correct. I do know -- typically when
11 people get promoted to Shift Supervisor, they have to
12 have a conversation with Susan. I did not have a
13 conversation with Susan, but when we had *[Muffled]* she
14 came by, and we had a brief conversation where she
15 introduced herself, and after that conversation,
16 whenever I talked with Jill, Jill said, "Hey,
17 *[Muffled]*,"

18 Q. So then it is your understanding that the District
19 Manager was involved in your promotion.

20 A. For five minutes, yes.

21 *[Long pause]*

22 Q. You testified a little bit about scheduling. Isn't
23 it correct that you don't know what, if any, involvement
24 the District Manager has in creating the schedules for
25 stores within District 635?

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 A. Once again, what I said was that Jill made the
2 schedule and it is passed to our Assistant Store Manager
3 and based off those -- to my understanding, it is the
4 Store Manager that makes the schedule. It could be
5 possible that they have influence, but to my
6 understanding that --

7 Q. Okay. Time off, you said that policy is, if you
8 can, give three weeks' notice before you take time off;
9 correct?

10 A. That's correct.

11 Q. And again, isn't it correct that you don't know
12 what, if any involvement the District Manager has in
13 approving or not approving requests for time off?

14 A. Once again, it is possible that they have some
15 involvement --

16 Q. Well, my answer -- Ms. Gonzalez, so then the answer
17 would be that you don't know, because you are saying,
18 again, that they could.

19 I am asking for a "yes" or "no."

20 Is it correct that you are not aware of what, if
21 any, involvement the District Manager has in approving
22 or disapproving time off?

23 A. No.

24 Q. Now, I think you also testified that as a Shift
25 Supervisor, you met with other Partners at other stores;

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 is that correct?

2 A. Yes, that's correct.

3 Q. And were those meetings at other stores within
4 District 635?

5 A. Yes.

6 Q. Okay, and so, who were you meeting with at other
7 stores in 635?

8 A. I met with Nick; he is the Store Manager for
9 Collier and -- whenever I had to do [Muffled]. He was
10 the one.

11 Q. Did -- were there any other instances that you met
12 with other Partners at any other stores within District
13 635?

14 A. Yes. I was at the Congress location. We had Shift
15 Supervisors meet with our District Manager about
16 escalation practices.

17 Q. Okay, what kind of training was that again?

18 I am having a hard time hearing.

19 A. Escalation practice, or de-escalation practice.

20 Q. And who was that training with?

21 A. Susan, our District Manager.

22 Q. Okay. So your District Manager conducted de-
23 escalation training for Shift Supervisors within
24 District 635; is that correct?

25 A. That's correct.

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 Q. Okay, and how often does she conduct that type of
2 training?

3 A. That was once.

4 Q. Okay. So you met with Nick at another store within
5 District 635. You met with Susan and others at another
6 store within District 635.

7 Do you recall other meetings that you had with
8 other Partners at stores in 635?

9 A. No.

10 Q. Just those two different meetings?

11 A. Yep.

12 Q. Okay. And I think you testified where there were
13 some instances where Partners at other stores trained at
14 Store 6284; is that correct?

15 A. Yes.

16 Q. Okay, and I believe you also testified that when
17 other stores within 635 closed, those Partners were
18 allowed to work hours at Store 6284; is that correct?

19 A. *[Muffled]* before their store opened, yes.

20 Q. Okay, so prior to the store opening, the Partners
21 who were going assigned to that store, were allowed to
22 pick up hours at Store 6284?

23 A. Uh-huh.

24 Q. Is that correct?

25 A. Yes.

1 Q. Okay.

2 MR. RAHHAL: I have nothing further.

3 HEARING OFFICER SYKES: Is there any redirect?

4 MR. BACHOP: No.

5 HEARING OFFICER SYKES: Okay, so I just have a few
6 questions.

7 EXAMINATION BY THE COURT

8 HEARING OFFICER SYKES: So you had mentioned, as a
9 Shift Supervisor, you have had to -- have you personally
10 had to resolve conflicts among employees at Store No.
11 6284?

12 THE WITNESS: No.

13 HEARING OFFICER SYKES: And do you have to -- do
14 you have the ability to do that on your own, without
15 getting the involvement of the Store Manager?

16 THE WITNESS: Yes, I think we do, yes.

17 HEARING OFFICER SYKES: I just want to ask, are you
18 currently a student at UT or --

19 THE WITNESS: Yes.

20 HEARING OFFICER SYKES: When you were hired at this
21 store, did you -- did you discuss with the Store Manager
22 your, you know, class schedule and other obligations?

23 THE WITNESS: I did.

24 HEARING OFFICER SYKES: Okay. Did you discuss that
25 with the District Manager?

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 THE WITNESS: No.

2 HEARING OFFICER SYKES: Okay. And, as a Shift
3 Supervisor, do other employees also -- do they ever
4 discuss with you their obligations in classes?

5 THE WITNESS: Yes, all of the time.

6 HEARING OFFICER SYKES: Okay. And then, how much
7 contact, if any, do you have with employees at other
8 stores, other than 6284?

9 THE WITNESS: Not much, no.

10 HEARING OFFICER SYKES: Okay.

11 THE WITNESS: Yeah.

12 [Long pause]

13 HEARING OFFICER SYKES: I don't know if this has
14 happened in your experience, but if -- if an incident
15 happened where, you know, a Barista did something that,
16 you know, maybe violated policy, who would you bring
17 that to the attention of at your store?

18 THE WITNESS: [Muffled]

19 HEARING OFFICER SYKES: And do you -- have you ever
20 had to do that?

21 THE WITNESS: No. Most of the time I can talk with
22 Baristas, and we can work it out, so, no.

23 HEARING OFFICER SYKES: Okay. When you mentioned
24 the -- was it the shift swaps, that shift swaps are
25 almost a daily occurrence at your store, is what you

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 understand?

2 THE WITNESS: Yes.

3 HEARING OFFICER SYKES: And you were saying if you
4 don't have a three-week notice to give for the shift
5 swap, that you would go to the Store Manager to discuss
6 that, right?

7 THE WITNESS: Yes, that's right.

8 HEARING OFFICER SYKES: And your -- you said your
9 understanding -- you said something about override.
10 What did you mean by that, or what was the Store Manager
11 overriding?

12 THE WITNESS: *[Muffled]* that is something that the
13 Store Manager can override. So if I need to this just a
14 week before, she can override that.

15 HEARING OFFICER SYKES: Okay. And -- and this
16 request, are you referring to the Partner Hours
17 application?

18 THE WITNESS: Yes.

19 HEARING OFFICER SYKES: But you -- you would make
20 the last-minute request in person to the Store Manager,
21 and not to the app?

22 THE WITNESS: Yes. Not even in person, but I could
23 text her.

24 HEARING OFFICER SYKES: You could text her, okay.

25 *[Long pause]*

1 HEARING OFFICER SYKES: And then, is it -- what is
2 your understanding of the employees -- the approximately
3 40 or so employees, what is your understanding of the
4 percentage that are students at UT or some other
5 university?

6 THE WITNESS: About 99 percent.

7 HEARING OFFICER SYKES: Okay, 99 percent.

8 THE WITNESS: Yeah.

9 HEARING OFFICER SYKES: So, I guess, are you
10 personally planning on leaving for the summer, or do you
11 believe you will be working there this summer?

12 THE WITNESS: I *[Muffled]*. I am graduating this
13 summer.

14 HEARING OFFICER SYKES: Oh, congratulations.

15 And I don't know if you would know this, and maybe
16 it has been asked, but do you know, of the 40 or so
17 employees, how many are graduating or...

18 THE WITNESS: *[Muffled]* one or two or something
19 like that.

20 HEARING OFFICER SYKES: Okay.

21 THE WITNESS: Okay.

22 HEARING OFFICER SYKES: And this may be a stupid
23 question, but I just want to get it in the record...

24 Does -- this Starbucks is open year-around; is that
25 correct? Is that your understanding?

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 THE WITNESS: Yes.

2 HEARING OFFICER SYKES: Okay. And have you ever
3 worked during a time, like maybe during the summer, or
4 at a time when students may have been away from the
5 campus?

6 THE WITNESS: Yes, last summer.

7 HEARING OFFICER SYKES: And would you say that
8 there is a decrease in staff in that time?

9 THE WITNESS: Yes, *[Muffled]*

10 HEARING OFFICER SYKES: And then, in your
11 experience, when they come back when the semester starts
12 again, is it generally the same employees that you
13 recall working there?

14 THE WITNESS: Generally the same, but a few choose
15 not to come back, but it is only like one or two that
16 don't come back.

17 HEARING OFFICER SYKES: I see.

18 Okay, I don't have any other questions. Does
19 anybody have any other questions?

20 MR. BACHOP: Not from me.

21 MR. RAHHAL: Not from me.

22 HEARING OFFICER SYKES: Okay, well you are excused
23 and thank you for taking the time to do this.

24 THE WITNESS: Oh, okay. Thank you.

25 *[Witness excused]*

1 HEARING OFFICER SYKES: Okay, so does the
2 Petitioner have any -- any more witnesses?

3 MR. BACHOP: No, not at this time. We just have to
4 get the exhibits offered and admitted.

5 HEARING OFFICER SYKES: Sure. Okay.
6 You can go ahead and...

7 MR. QUINTO-POZOS: So I would like to offer
8 Petitioner's Exhibit 1, which is described in the
9 Stipulation as an excerpt of the aggregate data that
10 Starbucks created for fiscal year 2022.

11 **(Petitioner's Exhibit 1, marked for identification.)**

12 HEARING OFFICER SYKES: Any objections?

13 MR. RAHHAL: No.

14 HEARING OFFICER SYKES: Hearing no objections,
15 Petitioner's Exhibit 1 is entered into evidence.

16 **(Petitioner's Exhibit 1, received into evidence.)**

17 MR. QUINTO-POZOS: I would also offer Petitioner's
18 Exhibit 2, which is a separate excerpt of the aggregate
19 data for fiscal year 2022.

20 **(Petitioner's Exhibit 2, marked for identification.)**

21 HEARING OFFICER SYKES: Hearing no objections,
22 Petitioner's Exhibit 2 is entered into evidence.

23 **(Petitioner's Exhibit 2, received into evidence.)**

24 MR. QUINTO-POZOS: And then, finally, I would offer
25 Petitioner's Exhibit 3, which is the roster of stores

1 between years 2019 to 2022, for District 635.

2 **(Petitioner's Exhibit 3, marked for identification.)**

3 HEARING OFFICER SYKES: Hearing no objections,

4 Petitioner's Exhibit 3 is entered into the record.

5 **(Petitioner's Exhibit 3, received into evidence.)**

6 MR. QUINTO-POZOS: That would be all of them.

7 HEARING OFFICER SYKES: Okay. And, I guess, at

8 this point, does the Petitioner rest their case?

9 MR. QUINTO-POZOS: Yes.

10 HEARING OFFICER SYKES: Okay, we can go off the

11 record for now.

12 *[Off the record]*

13 HEARING OFFICER SYKES: All right.

14 THE COURT REPORTER: We are on.

15 HEARING OFFICER SYKES: Okay, we are back on the

16 record.

17 *[Long pause]*

18 HEARING OFFICER SYKES: Okay, so before we get to

19 the election details, I will just kind of give the

20 parties their chance to give a final position.

21 Okay, so I guess I could -- I will start with the

22 Employer. I think I started Opening Statements with you

23 guys, and so I will ask...

24 What is your final position regarding the unit

25 issue here, regarding the issues that we have discussed

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 at hearing, which is the single store versus multi-
2 store?

3 MR. RAHHAL: Of course, we will reserve our
4 argument for the brief, so I don't know why we have to
5 file and submit a brief, but I think our argument has
6 been stated multiple times in this hearing, and is that
7 that single store is not an appropriate unit, and I
8 think Ms. Allen's testimony demonstrates that

9 This District works together, these stores work
10 together. They transfer to different stores. Both of
11 the Union's witnesses talked about Partners training in
12 other stores, having meetings at other stores, working
13 at other stores. So I think that the interchange is
14 definitely there.

15 Ms. Nixon was clear, and her testimony was
16 unrefuted about her involvement in the day to day
17 operations of all of the stores in her District.

18 So, I think, once you review the record as a whole,
19 apply the legal standards that are applicable, I don't
20 think there is any conclusion other than this District
21 is the appropriate unit. Carving off this one store is
22 clearly not an appropriate unit.

23 Now, I am prepared to talk more specifically about
24 our position on the manual election. I am not sure if
25 you want me to go there.

1 HEARING OFFICER SYKES: We will get to that in a
2 little bit.

3 And, I guess, what is the Petitioner's final
4 position regarding the unit, the appropriate unit?

5 MR. QUINTO-POZOS: Yes, the Petitioner's position
6 is that not only has Starbucks' position been stated
7 multiple times in this case, it has been stated multiple
8 times in multiple cases throughout multiple regions, and
9 it has been rejected every single time by multiple
10 regions, and multiple times by the Board.

11 The outcome in this case should be the same,
12 because there is evidence in this hearing that in all
13 significant respects, this case is like every other
14 case. There are details that are specific to this
15 store, and the evidence, the Union argues, shows that
16 this particular store is handled and subject to
17 variability that is not found within other stores in the
18 District, and in terms of the interchange, of course, we
19 will also refer to and expand on this further, during
20 the briefing, but there is testimony from both of the
21 Union's witnesses that Ms. Allen, that the degree of Ms.
22 Allen's interchange is an exception among workers at
23 this store, and just a quick review of the exhibits
24 shows that the person who next most often borrows out of
25 this store, did so nine times during fiscal year 2022.

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 And so, again, that is numerical evidence, that is
2 in the record, and that Ms. Allen is certainly an
3 exception when it comes to that.

4 So the Union's final position would be that the
5 outcome in this case should be the same outcome that has
6 been the outcome in every other case that the Regions
7 have decided so far, and that the single-store
8 presumption has not been defeated by the Employer.

9 HEARING OFFICER SYKES: I see.

10 I just had some questions, so, for the Petitioner,
11 I just want to confirm again, do you wish to proceed to
12 an election in any alternative unit if the unit you area
13 seeking is found to be in appropriate?

14 MR. QUINTO-POZOS: Yes.

15 HEARING OFFICER SYKES: Okay, and are there any
16 rulings -- rulings or outstanding motions that I need to
17 address?

18 MR. QUINTO-POZOS: Not --

19 MR. RAHHAL: None.

20 HEARING OFFICER SYKES: Okay, I am hearing none.

21 Do you have an estimated length of the transcript,
22 Sandra?

23 THE COURT REPORTER: I would estimate probably
24 about 180 to 200.

25 HEARING OFFICER SYKES: Okay. Okay, and any

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 outstanding stipulates agreed to in this proceeding that
2 haven't been received or received into evidence?

3 MR. QUINTO-POZOS: No.

4 MR. RAHHAL: No.

5 HEARING OFFICER SYKES: Okay, so at this point, I
6 would like to explore the details of an election, in the
7 event one is directed. You know, if it is directed, it
8 will be scheduled for the earliest date practical.

9 So this goes to the Petitioner, this is about the
10 waiver of the Voting List.

11 Does the Petitioner wish to waive any portion of
12 the 10-day requirement, or the whole 10-day requirement?

13 MR. QUINTO-POZOS: Yes. The Union is willing to
14 waive seven days of the ten-day voter list notice
15 requirement.

16 HEARING OFFICER SYKES: Thank you.

17 *[Long pause]*

18 HEARING OFFICER SYKES: I guess I will start with
19 the Employer...

20 In the -- in the Position Statement, your position
21 was that if this election were to be conducted, you
22 would want a manual election on Wednesday, May 4th, from
23 9:00 to 10:30 and 3:00 to 4:30 at the AC Hotel, Austin
24 University, at 1901 San Antonio Street.

25 Let's see...

1 MR. RAHHAL: I do want to let you know, Paul, that
2 is a seven-minute walk from the store, the petitioned-
3 for store.

4 Also, I have confirmed that the hotel has multiple
5 conference rooms that are available, and can comply with
6 any CDC social distancing requirements that may be
7 applicable at that time, and that they are open on
8 Wednesday, May 4th, at the times that we proposed, 9:00
9 to 10:30 a.m., and 3:00 to 4:30 p.m.

10 But I would like an opportunity to get on the
11 record our position as to why we believe an in-person
12 election is -- is the preferred manner for this
13 election.

14 HEARING OFFICER SYKES: Yes, you can do that now.

15 MR. RAHHAL: Okay. We are doing this more
16 frequently, but...

17 I think as everyone on this phone call recognizes,
18 and the Board has many times recognized, that a manual
19 election is the most reliable way for effectuating
20 employees free choice.

21 First, you have got a Board agent present on-site,
22 who is supervising the election. That doesn't exist in
23 a mail ballot election.

24 Second, and even according to the Board's own
25 statistics, ballot elections have a much lower

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 participation rate than an in-person election, and that
2 is clear in the case as it relates to Starbucks
3 elections.

4 Here are three examples: Mesa-2, there were 28
5 eligible voters. Mail ballot election, only fifteen
6 voted.

7 Buffalo, 38 eligible voters. Mail ballot election,
8 but only fifteen voted.

9 Knoxville, 27 eligible voters. A mail ballot
10 election, only sixteen of the Partners voted.

11 So, again, first and foremost, the participation
12 rate, and the ability for the Board to observe and
13 supervise the election.

14 Now, I know that there is a lot that we have been
15 talking about in the last two years with COVID-19, and
16 to that end, the Board came out with their decision in
17 the Aspirus case, which provided guidance regarding when
18 a Regional Director may consider ordering a mail ballot
19 election without abusing their discretion, and I focus
20 on "may consider." It doesn't say that they must
21 consider it, but may consider it. And while that
22 guidance may have made sense under the circumstances at
23 the time that it was issued in the fall of 2020,
24 reliance on that Order today seems inappropriate for
25 multiple reasons.

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 First of all, that guidance was issued over a year
2 and a half ago, in the midst of the pandemic, when there
3 wasn't any viable approved vaccine, and represents the
4 most conservative guidance on the conduct of a manual
5 versus mail ballot election. As we know today, vaccines
6 and boosters are now widely available to anyone who
7 wants one, and they have been proven to be remarkably
8 effective in prevent serious disease or death from
9 COVID-19. And at this point, COVID-19 is just a part of
10 our new normal, and represents a baseline risk to
11 society. It is no different than the baseline risks of
12 diseases that existed prior to the pandemic.

13 Second, the Board was very clear that the existence
14 of one of the Aspirus factors does not require or
15 mandate a mail ballot election. Rather, Regional
16 Directors must continue to exercise their discretion.
17 All Aspirus says is that the original Director, who does
18 direct a mail ballot election, under one of the six
19 situations, will not have abused his or her discretion.

20 Third, the particular circumstances of our election
21 at this petitioned-for store demonstrates that a manual
22 election is appropriate.

23 Most importantly, I believe that both parties are
24 agreeable to a manual election. Second, Partners in the
25 petitioned-for unit or petitioned-for store, have been

1 working on-site for quite some time. They will be on-
2 site during the proposed election dates, whether or not
3 there is an in-person or mail ballot election, so there
4 is no added risk involved for them, with respect to an
5 in-person election. And even applying the Aspirus
6 factors, a manual election is still appropriate. Our
7 Region is not subject to any mandatory telework order,
8 no Government order currently exists which would
9 prohibit or restrict holding a manual election, the
10 Employer unequivocally agrees to commit to abide by any
11 memo protocols that are in existence at the time of the
12 election. We are not aware of any current outbreak at
13 the store in question. The only factor at issue might
14 be that fourteen-day trend in the number of new cases or
15 positivity rate. And while this measure seems obsolete
16 now, since we have got testing and vaccines, the number
17 of new cases in Travis County is only slightly above
18 five percent, and I believe, is trending downwards.

19 Lastly, there are no compelling considerations that
20 would put in question the viability of conducting a
21 manual election. Indeed, several regions in Starbucks
22 cases have directed in-person elections, including
23 Augusta, Georgia which is Region 10, Springfield,
24 Virginia, which is Region 5, the Roasterie in New York,
25 which is Region 2.

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 So, based on the current status of the pandemic,
2 the wide availability of vaccines, the particular
3 circumstances of our case, the presumption that a manual
4 election should occur, should not be abandoned by our
5 Regional Director.

6 HEARING OFFICER SYKES: Okay, thank you.

7 So I just had some follow-up questions, based on
8 the proposal in the Position Statement.

9 So the Position Statement proposes the election
10 take place off-site. Can I get the Employer's position
11 as to why the election can't be held at the store?

12 MR. RAHHAL: Well, I think for anyone that has been
13 to a Starbucks, they would recognize that there really
14 is not much space. There is not a particular place that
15 we could hold a ballot election, which would be secret
16 and away and apart from supervisors and managers, and
17 even just as importantly, customers. It would be
18 disruptive, and I don't think we could have it with -- a
19 secret ballot election unless you close the store. I
20 think the regions and in other areas of the country
21 recognize that, and have agreed to hold off-site in-
22 person elections.

23 HEARING OFFICER SYKES: All right, and you
24 mentioned closing the store.

25 Is the -- is the Employer willing to do that, if a

1 manual is directed, to close the store for a few hours,
2 or are they --

3 MR. RAHHAL: Truthfully, I haven't discussed that
4 with the client, because that has not been the direction
5 that the different Regions have been taking, where it
6 wasn't feasible to have an on-site election during store
7 hours, but we would certainly consider what the Region
8 directs us to consider.

9 [Long pause]

10 HEARING OFFICER SYKES: And is the Employer opposed
11 to -- if it was a manual election, that it be conducted
12 at, you know, some sort of, I guess I would say, neutral
13 location such as a library or government building that
14 is within around the same distance as the hotel you
15 proposed?

16 MR. RAHHAL: No, we would be very amiable to those
17 suggestions of those proposals.

18 HEARING OFFICER SYKES: Okay, and the -- I guess
19 one of the petitions I was aware of, they -- they had
20 made a tent or constructed a tent, you know. Do you
21 know what this particular facility, do you know if that
22 is something that is possible, or is that --

23 MR. RAHHAL: Arrissa may want to chime in. I don't
24 believe that is possible at this facility.

25 MS. MEYER: I mean today, we don't have to

1 authority to agree to a tent election in the parking
2 lot.

3 HEARING OFFICER SYKES: Okay.

4 MR. RAHHAL: Again, I think that would be
5 disruptive, Paul, and I don't know how you could do it
6 out of the eyesight of managers and supervisors.

7 HEARING OFFICER SYKES: I see.

8 So, at this point, I guess I want to get the
9 Petitioner's position on the -- if an election is
10 directed, what they believe would be the best way to do
11 it.

12 MR. QUINTO-POZOS: Yes. So, first and foremost,
13 the Petitioner would request that the issuance of a
14 decision be expedited and that an election be scheduled
15 as soon as possible for the reasons that I am about to
16 expand on.

17 The -- the Union's position is that, depending on
18 the timing, including May 4th, a manual ballot election
19 would be appropriate, and as we have all heard during
20 the hearing, depending on the timing, a later election
21 could result in employees being scattered for purposes
22 of Board precedent, so that a -- at least a mixed manual
23 and mail ballot could be justified.

24 There is a significant number of partners at this
25 store who are students, who go away for the summer, and

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 temporarily transfer to other stores. The Union does
2 not have complete information on exactly the number of
3 those employees, but based on what we believe so far,
4 that could be as high as 50 percent of those employees.
5 And so, you know, if an election were to happen after
6 the first week of May or so, that would make a manual --
7 a 100 percent manual election. It would afford the
8 purposes that the Employer has stated, namely to ensure
9 higher participation of voters.

10 So, for that reason, if the in-person election
11 cannot be ordered before that date, May 4th, then the
12 election should be mixed, manual and mail ballot.

13 In terms of a location, the Union is in agreement
14 that the Employer's proposed location would be
15 acceptable.

16 To address some of your questions, if there were a
17 government building or a nearby library, the Union would
18 be fine with that. I -- I don't have information to be
19 able to state whether a tent on-site would be acceptable
20 or not.

21 I do think that closing the store for a few hours
22 may not be workable, and I am going to just address
23 hours in general. I think that the hours that the
24 Employer proposes for a manual election are too limited.
25 There are varying circumstances that the employees have

1 at this location, including classes, other activities,
2 and so forth, and so the hours that the Employer had
3 proposed had -- it is the Union's position that that
4 would be too restrictive to allow a sufficient number of
5 employees to vote.

6 And so the Union's would be that, the election
7 should take place during two consecutive days. I
8 believe there is precedent for that in prior cases, and
9 the Union's position would be that for at least one of
10 those days, that the hours should be long enough to
11 cover all of the shifts, such as from 8:00 a.m. to 8:00
12 p.m., to be -- to allow for a sufficient number of
13 employees to participate in the election.

14 HEARING OFFICER SYKES: Okay. And is there any --
15 are you -- is the Union envisioning three time periods
16 of voting from 8:00 a.m. to 8:00 p.m.?

17 MR. QUINTO-POZOS: Yes, that would be fine. That
18 wouldn't have to be a solid period of time. There could
19 be certainly a break for lunch and a mid-afternoon break
20 for the Board agent, but I don't have a specific set of
21 times, other than a request that it cover -- that it be
22 sufficiently long to cover a longer period of time.

23 HEARING OFFICER SYKES: And does anybody know the
24 three shifts, the time -- times of those shifts?

25 MR. QUINTO-POZOS: Maybe one of our witnesses could

1 chime in.

2 MS. LILLIAN ALLEN: Hi.

3 So, we open at 5:30 in the morning. The Openers
4 arrive at 5:00 a.m. So there is one sort of chunk of
5 time.

6 Starbucks' shifts tend to run either four hours,
7 six hours, or eight hours, or eight and a half hours,
8 depending, and so there is one chunk that is the
9 morning, there is one chunk that is mid, and then we
10 close at 9:00, and the Closers are there until 9:30.

11 You know, in theory, sometimes there is a bit more
12 cleaning up to do and we run late, but there is morning,
13 mid, and close, and 8:00 a.m. to 8:00 p.m. would sort of
14 cover the time that -- it would cover chunks of time
15 during each of those shifts, but it also would be during
16 times when it is light outside, because we don't
17 necessarily don't want to be walking down to this hotel
18 in the West Campus in the dark, because things can get a
19 little weird on West Campus in the dark.

20 HEARING OFFICER SYKES: Okay. What -- what time is
21 the mid-shift start time?

22 MS. ALLEN: The mid-shift is -- people will come in
23 at like 9:00 or 10:00, and they will work until the
24 middle of the afternoon. Mid-shift is kind of weird to
25 define.

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 HEARING OFFICER SYKES: Okay. Well, that -- that
2 is helpful, so.

3 MR. RAHHAL: Susan, do you have anything to add to
4 that?

5 MS. SUSAN NIXON: Yes, that is accurate. You know,
6 I -- I -- I would say that there could be -- there is a
7 lot of overlap, so like in the late morning, Partners
8 can have access, and then they can either come before or
9 after. It is similar to like when we do voting periods
10 within a day. There is time for Partners to step aside
11 and do any kind of voting on a national level, as well.

12 MR. RAHHAL: So, Susan, what are the times of the
13 shifts in a day?

14 MS. NIXON: Typically, 5:00 in the morning until
15 late afternoon, or excuse me, late afternoon, and there
16 may be a mid-day shift.

17 MR. RAHHAL: When does the mid-day shift start?

18 MS. NIXON: Typically around 10:00, 11:00,
19 depending on the store, and it may last until 3:00, and
20 then you will have the Closing crew come in at that
21 time, from about 2:00 or 3:00 until close.

22 MR. RAHHAL: So, Susan, just so I am getting this
23 right, what it looks like from here, there is a shift
24 from 5:00 a.m., but I wasn't sure when that day ended.
25 You said late morning, but 5:00 a.m. to when?

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 MS. NIXON: Until 10:00, 9:00 or 10:00.

2 MR. RAHHAL: So we got a 5:00 a.m. to 10:00 a.m.

3 MS. NIXON: Correct.

4 MR. RAHHAL: A 10:00 a.m. to 3:00 p.m.

5 MS. NIXON: Correct.

6 MR. RAHHAL: And a 2:00 p.m. to close of the store,
7 which is at what time, Susan?

8 MS. NIXON: 9:00 o'clock.

9 MR. RAHHAL: Okay, thank you.

10 MS. NIXON: You're welcome.

11 HEARING OFFICER SYKES: Okay. Does the Employer
12 have any position or insight on, you know, when they --
13 if and when they believe that a portion of the students
14 -- well, Partners that are students, will possibly be,
15 you know, not in Austin?

16 MR. RAHHAL: I think the testimony was that they
17 like to get several months' advance notice, but that
18 doesn't always work that way, so I think the testimony
19 was, she doesn't really know.

20 HEARING OFFICER SYKES: I mean, I guess -- I guess
21 I will ask the Petitioner, is if the election were to be
22 held solely manual, are there particular days where they
23 don't think it would be feasible, any date ranges?

24 MR. QUINTO-POZOS: I think -- I think anything
25 after about May 6th, which is the date that was cited in

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 our Statement of Position, as the last day of class at
2 the University of Texas, would be impractical, because
3 you know, it is impossible when everybody is going to be
4 done with their finals, but I think the closer we get,
5 and past that date, students will have other obligations
6 like their finals, graduation, moving out of their dorms
7 or apartments, and so I think the Union would see that
8 May 6th date as sort of a threshold date during which,
9 you know, past that date, an in-person election would
10 disenfranchise a large number of the voters.

11 HEARING OFFICER SYKES: And I would ask, because I
12 haven't got the Employer's position, what is the
13 Employer's position on a mixed manual -- you know,
14 mixed, manual mail election?

15 MR. RAHHAL: Again, we -- our position is that we
16 think that under the circumstances of this case, what is
17 going on in other regions, what is going on with COVID,
18 that it should be an in-person mail ballot --

19 MS. MEYER: In person, not mail ballot.

20 MR. RAHHAL: Yeah, the in-person -- not mail -- it
21 should be an in-person election. I mean, there is no
22 reason not to be doing these in-person going forward.

23 HEARING OFFICER SYKES: I guess that --

24 MR. RAHHAL: Well, we have been doing them since
25 1935, so I don't see any reason to -- to do something

1 differently.

2 HEARING OFFICER SYKES: Okay.

3 MR. QUINTO-POZOS: And just to be clear, the Union
4 has no objection with that, as long as it is before --
5 you know, before -- before or by May, the first week of
6 May.

7 I think the dates after that takes us into a
8 different area that has nothing to do with COVID.

9 HEARING OFFICER SYKES: I understand.

10 [Long pause]

11 HEARING OFFICER SYKES: And I guess I have already
12 asked at the beginning, but I just wanted to reaffirm,
13 the -- the Employer has taken the position that if an
14 eligibility formula was used, it would be the standard
15 Davison-Paxon formula?

16 MS. MEYER: Correct.

17 HEARING OFFICER SYKES: And is it the Employer's
18 position that this particular case, they believe it
19 warrants the use of a formula?

20 MR. RAHHAL: We --

21 MS. MEYER: We believe that is appropriate because
22 of the number of part-time employees.

23 HEARING OFFICER SYKES: Okay, and what is the Union
24 -- what is the Union's position on that, whether they
25 believe it is appropriate on that?

1 MR. QUINTO-POZOS: So, as I stated earlier, the --
2 we don't take a position on that. I mean, certainly, I
3 think the Union does not dispute that this is a part-
4 time workforce with variable hours.

5 HEARING OFFICER SYKES: Okay, let's see, and I...

6 [Long pause]

7 HEARING OFFICER SYKES: I'm sorry, off the record.
8 I was just looking for something.

9 [Off the record]

10 HEARING OFFICER SYKES: Okay, back on the record.

11 Just so it is clear, the parties would -- what we
12 mean by the Davison-Paxon, if we did -- if we did use a
13 formula, it would be those who have at least 4 hours per
14 week.

15 [Long pause]

16 HEARING OFFICER SYKES: Okay, I need to read this
17 in here...

18 Please be advised that if the Employer does not
19 agree to permit the election to be held at the
20 Employer's facility, the Director, at his or her
21 discretion, will direct a mail ballot or off-site
22 election.

23 Does the Employer, the last time we asked for an
24 on-site representative, do they have one in this
25 particular case that they want to provide?

1 MS. MEYER: In the last case, did we provide the
2 Store Manager or did we provide --

3 MR. RAHHAL: The District Manager.

4 MS. MEYER: The District Manager.

5 MR. RAHHAL: So it would be Susan Nixon.

6 HEARING OFFICER SYKES: Okay, and I guess if she
7 would just provide her --

8 MR. RAHHAL: We will send that to you.

9 HEARING OFFICER SYKES: -- office address and what
10 else? Office address, e-mail address.

11 MR. RAHHAL: I will get you an e-mail address after
12 the hearing, with all of that information.

13 HEARING OFFICER SYKES: Okay. I mean, does the --
14 does either party want to add anything to the -- their
15 position on manual versus mail versus mixed?

16 MR. RAHHAL: I mean, all I can do is restate that
17 these Partners have been going back to work for a long
18 time, to effectuate the purposes of the Act, and make it
19 convenient for people to vote, get the proportions of
20 voters back up to what they have been in the past, and
21 what they should be, it needs to be in-person. We have
22 got to get back to our normal of having in-person
23 elections, and now is the time.

24 MR. QUINTO-POZOS: I don't have anything else to
25 add that hasn't been stated already.

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 HEARING OFFICER SYKES: Okay.

2 [Long pause]

3 HEARING OFFICER SYKES: All right.

4 I guess I just want to get this on here, because I
5 don't know if we have this...

6 Is we don't know what the -- if this is directed a
7 manual election, the date could be earlier than what the
8 parties are, you know, mentioning or preferring. I
9 guess, prior to May 4th, I think seemed to be the date.

10 Is either party aware of any particular dates that
11 they believe are absolutely not feasible to conduct
12 their election, for whatever reasons?

13 MR. RAHHAL: I mean, I am not certain what you mean
14 by "not feasible?" I mean, I am not aware of any dates
15 that for some reason--

16 HEARING OFFICER SYKES: I guess if there was some -
17 - I don't know, activity that is scheduled at another
18 area or somewhere, where everybody has gone. I don't
19 know, but something like that, or some other event that
20 would make it so that an election wouldn't be feasible
21 on that particular day.

22 MR. RAHHAL: I am not aware of any such activity.

23 HEARING OFFICER SYKES: And is the Petitioner aware
24 of anything before May 4th --

25 MR. QUINTO-POZOS: No, I am not aware of anything

1 that would make the election inconvenient between now
2 and May 4th.

3 HEARING OFFICER SYKES: Okay, and I guess I didn't
4 ask this, but are there any particular days of the week
5 that the parties believe that it would be best to hold
6 the election?

7 I will start with the election.

8 MR. RAHHAL: I believe -- Arrissa, were you going
9 to say something?

10 MS. MEYER: I was going to say, I believe we picked
11 Wednesday, because we understood that that was a good
12 day for people, based on like class schedules and
13 working.

14 MR. RAHHAL: And that is in our Statement of
15 Position.

16 HEARING OFFICER SYKES: And does the Petitioner
17 have any particular days of the week that they believe
18 are better than others?

19 MR. QUINTO-POZOS: The Union would be fine with a
20 Wednesday. I understand that the store is particularly
21 busy on Thursdays, is what the Union understands, and I
22 see Ms. Nixon nodding, so I think a Thursday would be
23 bad.

24 HEARING OFFICER SYKES: Okay. And I guess, if --
25 if the decision were for a two-day election, is it the

1 Petitioner's position that it should be Tuesday and
2 Wednesday?

3 MR. RAHHAL: Yes, not Thursday.

4 HEARING OFFICER SYKES: Okay. And sorry I need to
5 ask more questions.

6 The -- I understand the Employer's position is that
7 they do not believe it is appropriate to hold the
8 election at the store. What -- what is the Employer's
9 position on the set up of the store, as far as the
10 amount of space, or whether there would be an
11 appropriate distancing if it were directed at the store.

12 MS. MEYER: I don't think the store is large enough
13 to have like five or six tables, all six feet apart. I
14 think -- I think those are the protocols in the memo. I
15 don't think it would be feasible to set up according to
16 the Board's preferred COVID methods.

17 HEARING OFFICER SYKES: And does the Petitioner
18 have any position on that, or any knowledge of that?

19 MR. QUINTO-POZOS: The Petitioner has no
20 disagreement with that.

21 HEARING OFFICER SYKES: Okay.

22 *[Long pause]*

23 HEARING OFFICER SYKES: All right, let's go off the
24 record for a second. I have to get our final exhibit
25 sent, and then...

1 [Off the record]

2 HEARING OFFICER SYKES: Back on the record.

3 So, you know, the Employer's position in this whole
4 hearing is that they believe a multi-District, you know,
5 vote, you know, with thirteen stores is the -- if the
6 Region agreed with the Employer's position, that, you
7 know, a 13-store District vote should occur, is the
8 Employer's position that all of the employees in these
9 thirteen stores could vote at the AC Hotel, or do they
10 believe in that circumstance, a mail ballot would be
11 appropriate?

12 MS. MEYER: We would still want a manual election
13 at that location. This is a geographically small
14 District where all of the stores are compact.

15 You know, we have heard testimony that Partners
16 work at stores across all of these Districts, and you
17 know, we believe it would be possible for them to vote
18 at this hotel.

19 HEARING OFFICER SYKES: Okay, and does the
20 Petitioner have any position on that?

21 MR. QUINTO-POZOS: Yeah. I mean, for what it is
22 worth, I do think that expecting hundreds of Partners to
23 be able to come to the UT campus area for a vote is
24 unrealistic. I mean, that would increase the scattered
25 factor or nature of the workforce. I think that would

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 be a much more challenging situation, and I think that
2 would count for a mail ballot election.

3 HEARING OFFICER SYKES: Okay. Okay.

4 I think that is the final thing I have on that.

5 So, the Regional Director will issue a Decision in
6 this matter as soon as practical, and will immediately
7 transmit the document to the parties and their
8 designated representatives by e-mail, fax, or by
9 overnight mail if neither an e-mail address or fax
10 number is provided.

11 Prior to the hearing, the parties have been
12 provided with Form NLRB-5580, Description of Voter List
13 Requirement After Hearing in Certification and
14 Decertification Cases, which explains the Employer's
15 obligation to furnish a Voter List, should an election
16 be directed in this matter. This document is marked for
17 identification as Board's Exhibit 3.

18 **(Board's Exhibit 5, marked for identification.)**

19 HEARING OFFICER SYKES: Are there any objections to
20 the receipt of Board's Exhibit 5?

21 *[No response]*

22 HEARING OFFICER SYKES: Hearing no objection,
23 Board's Exhibit 5 is received into the record.

24 **(Board's Exhibit 5, received into evidence.)**

25 HEARING OFFICER SYKES: Okay, any party is

1 entitled, upon request, for a reasonable period at the
2 close of the hearing for Oral Argument.

3 Does any party wish to make such a request at this
4 time?

5 *[No response]*

6 HEARING OFFICER SYKES: Okay, hearing no request,
7 so...

8 Any party desiring to submit a brief to the
9 Regional Director shall be entitled to do so within five
10 business days after the close of the hearing. Copies of
11 the briefs shall be served on all of the parties to the
12 proceeding, and a statement of such service shall be
13 filed with the Regional Director, together with the
14 brief.

15 No reply brief may be filed, except upon special
16 permission from the Regional Director.

17 Does any party wish to waive the filing of post-
18 hearing briefs?

19 *[No response]*

20 HEARING OFFICER SYKES: Okay. Let's see...

21 So the briefs in this matter would be due -- would
22 be due on the 7th of April.

23 I guess, is any party requesting an extension?

24 MR. RAHHAL: Manuel, are you going to ask for an
25 extension?

1 MR. QUINTO-POZOS: No, I am not.

2 MR. RAHHAL: I would ask for a two-day extension.

3 HEARING OFFICER SYKES: So April 9th?

4 MS. MEYER: Well, to the 11th, a Saturday.

5 HEARING OFFICER SYKES: What is the reason?

6 MR. RAHHAL: Well, we have got a San Antonio
7 hearing on the 5th. We have got, I think, a couple
8 orders to show cause. I have got a hearing in Cleveland
9 on Starbucks.

10 There are just multiple matters that I would ask
11 for the extra few days. I know that is typical in our
12 cases that we get those extra days. In fact, I have
13 typically gotten even more than two additional days.

14 What I would hate to have happen is that we end up
15 on the 7th and we are all scrambling to ask for an
16 extension, when we could just agree to it now.

17 HEARING OFFICER SYKES: My understanding is that
18 the Union -- is that they are not in agreement with the
19 extension; is that correct?

20 MR. QUINTO-POZOS: I was not asking for it, you
21 know. I have some of those same hearings and filings
22 due, and matters other than Starbucks to attend to, but
23 I am not going to -- I am not going to take a hard
24 position on that.

25 HEARING OFFICER SYKES: Okay. So you are

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198

1 requesting until the 11th.

2 Let me just go off the record briefly, and I will
3 be back.

4 *[Off the record]*

5 HEARING OFFICER SYKES: Okay, back on the record.

6 So, in consideration of the Employer's cause that
7 he provided us of multiple other NLRB obligations, the
8 two business day extension that they are requesting will
9 be granted. So the briefs will be due on April 11th.

10 The parties are reminded that pursuant to Section
11 102.5 of the Board's Rules and Regulations, briefs and
12 other case documents must be filed by electronically
13 submitting, E-filing, through the Agency's website,
14 nlr.gov, unless the party filing the document does not
15 have access to the means for filing electronically, or
16 filing electronically would impose an undue burden.
17 Briefs or other documents filed by means other than
18 E-filing must be accompanied by a statement explaining
19 why the filing party does not have access to the means
20 for filing electronically, or that filing electronically
21 would impose an undue burden.

22 Filing a brief or other document electronically may
23 be accomplished by using the E-filing system on the
24 Agency's website at nlr.gov. Once the website is
25 accessed, click on "E-file Documents," and enter the

ARS REPORTING LLC

22052 West 66th Street, Suite 314
Shawnee, Kansas 66226
Phone: (913) 422-5198

1 NLRB case number, and then follow the detailed
2 instructions which I am sure you guys are all very
3 familiar with by now. The responsibility for the
4 receipt of the document rests exclusively with the
5 sender. A failure to timely file the brief will not be
6 excused on the basis that the transmission could not be
7 accomplished because the Agency's website was offline or
8 unavailable for some other reason, absent a
9 determination of technical failure of the site, with
10 notice of such posted on the website.

11 So, at this time, I just want to make sure, Sandra,
12 do you have all of the exhibits?

13 THE COURT REPORTER: I have received them all via
14 e-mail.

15 HEARING OFFICER SYKES: Okay.

16 [Long pause]

17 HEARING OFFICER SYKES: And I am assuming -- do
18 each of the parties each have their -- does the
19 Petitioner have all of the Employer's exhibits, and does
20 the Employer have all of the Petitioner's exhibits?

21 MS. MEYER: Yes.

22 MR. QUINTO-POZOS: Correct.

23 HEARING OFFICER SYKES: Okay, and I think we have
24 estimated the transcript was around 180 to 200 pages,
25 and that, you know, that the parties are also reminded

1 that they should request an expedited copy of the
2 transcript from the Court Reporter.

3 I don't know if the parties want to ask Sandra any
4 questions about how to do that or...

5 THE COURT REPORTER: I have already told them that
6 it will be e-mailed out either Monday evening or first
7 thing Tuesday morning.

8 HEARING OFFICER SYKES: Okay. Okay, well, if there
9 is nothing further, the hearing will be closed.

10 *[No response]*

11 MR. QUINTO-POZOS: Great.

12 MS. MEYER: Thank you.

13 MR. RAHHAL: Thank you.

14 HEARING OFFICER SYKES: Okay, so the hearing will
15 be closed.

16 ***[Whereupon, the hearing was closed at 4:02 p.m.]***

17

18

19

20

21

22

23

24

25

CERTIFICATION

This is to certify that the attached proceedings before the National Labor Relations Board (NLRB), in the matter of **Starbucks Corporation (Employer)** and **Workers United Southwest Regional Joint Board (Petitioner)**, **Case No. 16-RC-292111**, on Thursday, the 31st of March, 2022, was held according to the record, and that this is the original, complete, and true and accurate transcript that has been compared to the recording, at the hearing, that the exhibits are complete and no exhibits received in evidence or in the rejected exhibit files are missing.

Sandra Hedges, Official Reporter

ARS REPORTING LLC

22052 West 66th Street, Suite 314

Shawnee, Kansas 66226

Phone: (913) 422-5198